

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)
PROPOSED AMENDMENTS TO)
DISSOLVED OXYGEN STANDARD)
35 Ill. Adm. Code 302.206)

R04-25

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SEP 19 2007

STATE OF ILLINOIS
Pollution Control Board

Illinois Environmental Protection Agency's First Notice Comments

pc#114

Now comes the Illinois Environmental Protection Agency ("Illinois EPA"),
by and through one of its attorneys, Stefanie N. Diers, and hereby respectfully
submits to the Illinois Pollution Control Board ("the Board") its First Notice
Comments in the above-captioned regulatory proceeding. In support thereof,
Illinois EPA states as follows:

Introduction

In April 2004, the Illinois Association of Wastewater Agencies ("IAWA")
filed its proposal to amend the dissolved oxygen standard for Illinois waters
designated for General Use. In response to IAWA's proposal, the Illinois
Department of Natural Resources ("IDNR") and Illinois EPA recommended
alternative revisions to the dissolved oxygen standard and filed their
recommendations with the Board in April 2006.

On July 12, 2007 the Board issued a First Notice Opinion and Order that
contained language identical to the IDNR/IEPA proposal with the addition of
numbers 5-7 in paragraph (d) of Section 302.206. Illinois EPA appreciates the
opportunity to comment on the Board's First Notice Opinion.

Discussion

I. Proposed language for assessing attainment of dissolved oxygen standards.

Illinois EPA recommends the following changes to 302.206(d)

- (d) Assessing attainment of dissolved oxygen mean and minimum values.
- (1) Daily mean is the arithmetic mean of dissolved oxygen concentrations in 24 consecutive hours. values measured in a single, 24-hour period calendar day.
 - (2) Daily minimum is the minimum dissolved oxygen concentration in 24 consecutive hours. value as measured in a single 24-hour calendar day.
 - (3) The measurements of dissolved oxygen used to determine attainment or lack of attainment with any of the dissolved oxygen standards in this Section must assure daily minima and daily means that represent the true daily minima and daily means.
 - (4) The dissolved oxygen concentrations values used in calculating or determining any to determine a daily mean or daily minimum should not exceed the air-equilibrated concentration.
 - (5) "Daily minimum averaged over 7 days" means is the arithmetic mean of daily minimum dissolved oxygen concentrations in seven consecutive 24-hours periods. values from the current and previous 6 calendar days.
 - (6) "Daily mean averaged over 7 days" means is the arithmetic mean of daily mean dissolved oxygen concentrations in seven consecutive 24-hour periods. values from the current and previous 6 calendar days.
 - (7) "Daily mean averaged over 30 days" means is the arithmetic mean of daily mean dissolved oxygen concentrations in 30 consecutive 24-hour periods. values from the current and previous 29 calendar days.

Illinois EPA now recognizes that restricting the determination of daily means and daily minima to a "calendar day" can result in unusable dissolved oxygen

measurements that are otherwise valid and meaningful; therefore, our recommended revised language removes this unintentional restriction. Because it is reasonable and valid to determine a daily minimum and a daily mean based on any period of 24 consecutive hours, regardless of the period's specific start and end times, we suggest eliminating the "calendar day" restriction. For determining a daily mean or daily minimum, this restriction unintentionally prevents using the results of any dissolved oxygen monitoring period that did not begin and end specifically at midnight. For example, if hourly monitoring of dissolved oxygen began on Monday at 9:00 AM for seven "calendar days", none of the hourly measurements from Monday 9:00 AM to the same Monday at midnight (15-hour period) could be used to determine a daily mean or daily minimum. Similarly, assuming the monitoring ended eight days later on Tuesday at 9:00 AM, none of the hourly measurements from the immediately preceding period of Monday at midnight to Tuesday at 9:00 AM (9-hour period) could be used.

II. Can stream segments selected for enhanced dissolved oxygen protection also be identified by "river mile"?

Illinois EPA recognizes that "river mile" is used commonly to identify particular point locations along large, navigable Illinois rivers. However, Illinois EPA does not recommend using "river mile" to identify particular stream segments in these dissolved oxygen regulations for the following reasons. First, Illinois EPA is unaware of readily available and reliable stream mileages for the large majority of Illinois streams. Second, Illinois EPA believes that identifying stream-segment endpoints by "river mile" is more prone to error than is

identifying segment endpoints by standardized map coordinates, i.e., latitude and longitude. Identifying points by "river mile" requires measuring entire lengths of streams; the magnitude of potential error in such measurements depends directly on the resolution of the maps being used. In contrast, identifying points by standardized map coordinates does not require extensive linear measurements directly from a map of a specified resolution.

III. Whether other states with conditions similar to Illinois have adopted numeric dissolved oxygen standards whose applicability is based on water temperature.

Illinois EPA is not aware of any USEPA Region Five state that has such standards.

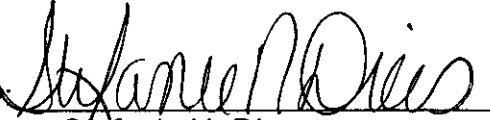
IV. Conclusion

Illinois EPA appreciates the resources the Board has dedicated to this regulatory proceeding and the opportunity granted to all parties to participate and present documents and testimony for the Board's consideration. Furthermore, the Illinois EPA appreciates the Board's effort to sort out a lengthy and complex administrative record and to fill in scientific gaps with the most appropriate standard possible with the available information.

WHEREFORE, for the reasons stated above, Illinois EPA respectfully requests the Board take further action in this proceeding consistent with the Illinois EPA's First Notice Comments.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

By 
Stefanie N. Diers
Assistant Counsel
Division of Legal Counsel

September 17, 2007

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Pollution Control Board

NOTICE

TO: Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 W. Randolph Street 11-500
Chicago, Illinois 60601

Richard McGill, Hearing Officer
Illinois Pollution Control Board
James R. Thompson Center
100 W. Randolph Street, Suite 11-500
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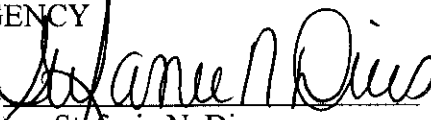
SEE ATTACHED SERVICE LIST

PLEASE TAKE NOTICE that I have filed with the Office of the Clerk of the Pollution Control Board the Illinois Environmental Protection Agency's First Notice Comments on behalf of the Illinois Environmental Protection Agency, a copy of which is herewith served upon you.

Date: September 17, 2007

ILLINOIS ENVIRONMENTAL PROTECTION
AGENCY

By


Stefanie N. Diers
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THIS FILING IS SUBMITTED ON RECYCLED PAPER

STATE OF ILLINOIS)
) SS.
COUNTY OF SANGAMON)

PROOF OF SERVICE

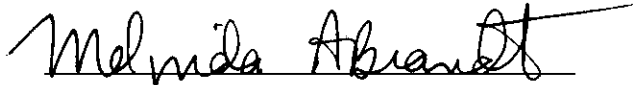
I, the undersigned, on oath state that I have served the attached Illinois EPA's
First Notice Comments upon the person to whom it is directed, by placing it in an
envelope addressed to:

TO: Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 W. Randolph Street 11-500
Chicago, Illinois 60601

Richard McGill, Hearing Officer
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James R. Thompson Center
100 W. Randolph Street, Suite 11-500
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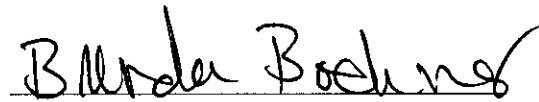
SEE ATTACHED SERVICE LIST

and mailing it First Class Mail from Springfield, Illinois on September 17, 2007, with
sufficient postage affixed.



SUBSCRIBED AND SWORN TO BEFORE ME

this 17th day of September, 2007


Notary Public



THIS FILING IS SUBMITTED ON RECYCLED PAPER

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