

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

In the matter of: )  
)  
PETITION OF ILLINOIS DEPARTMENT OF ) AS 2008-01  
TRANSPORTATION, DISTRICT 8, BOWMAN ) (Adjusted Standard)  
AVENUE PUMP STATION AND DEEP WELL )  
SYSTEM, FOR AN ADJUSTED STANDARD )  
FROM 35 ILL. ADM. CODE 302.208(g) )  
(NODES PERMIT NO. IL007095) )  
)  
)  
)

**NOTICE OF FILING**

TO: Dorothy Gunn, Clerk  
Illinois Pollution Control Board  
State of Illinois Center  
100 W. Randolph Street, Suite 11-500  
Chicago, Illinois 60601-3218

Carol Webb, Hearing Officer  
Illinois Pollution Control Board  
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Alec Messina, Respondent  
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Kenneth Liss, Interested Party  
Andrews Environmental Engineering  
3300 Ginger Creek Drive  
Springfield, Illinois 62711

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Pollution Control Board the attached Motion to Stay Proceedings and Status Report, and Amended Petition in Response to the Illinois Pollution Control Board Order Dated September 6, 2007 copies of which is herewith served upon you.

Respectfully submitted,  
ILLINOIS DEPARTMENT OF TRANSPORTATION,  
Petitioner

By: Lance T. Jones  
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Phone: (217) 782-3215  
Lance.Jones@illinois.gov  
Dated: November 2, 2007

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**MOTION TO STAY PROCEEDINGS**

NOW COMES Petitioner, the Illinois Department of Transportation (“Department”) by and through its attorneys, and requests that the Illinois Pollution Control Board (“Board”) stay the proceedings in this matter, pending decision in a related matter, Triennial Review of Sulfate and Total Solids Water Quality Standards (“Triennial”) stating as follows:

1. On July 27, 2007, the Department filed a petition for an adjusted standard from the Board’s general use water quality standards for sulfate and total dissolved solids (TDS) at 35 Ill. Adm. Code. The Department’s petition for relief concerns discharge from its District 8 Bowman Avenue Pump Station in East St. Louis, St. Clair County. In its petition, the Department proposed adjusted standards of 642 mg/L for sulfate and 1,128 mg/L for TDS.
2. On September 6, 2007, the Board issued an Order, highlighting some informational deficiencies in the Department’s petition and directing the Department to file an amended petition to cure the deficiencies. In footnote 1 of the Order, the Board noted a pending rulemaking in which the Illinois Environmental Protection Agency (“Agency”) proposed amendments to the sulfate and TDS general use water quality standards. *See Triennial Review of Sulfate and Total Dissolved Solids Water Quality Standards: Proposed Amendments To 35*

Ill. Adm. Code 302.102(b)(6), 302.102(b)(8), 302.102(b)(10), 302.208(g), 309.103(c)(3), 405.109(b)(2)(A), 409.109(b)(2)(B), 406.100(d); Repealer of 30 Ill. Adm. Code 406.203 and Part 407; and Proposed New 35 Ill. Adm. Code 302.208(h), R07-9. If the Agency's pending proposal to amend the sulfate and TDS standards is adopted, the Department's request for an adjusted standard would be satisfied and the Department's Petition AS 08-1 would therefore be moot.

3. On September 20, 2007, the Board issued an Order adopting the first-notice proposal in the Triennial Rulemaking.

4. In light of the pending Triennial Rulemaking, Petitioner requests the Board to stay the proceedings of this matter until the Triennial Rulemaking is resolved.

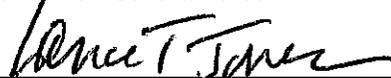
5. This Motion for Stay of Proceedings is made in good faith and is not for the purpose of undue delay. A stay of the Department's petition could preserve Board resources and promote judicial economy.

WHEREFORE, the Department requests that the Board stay the proceedings in this matter until such time as a resolution of the Triennial Rulemaking.

Respectfully submitted,

**ILLINOIS DEPARTMENT OF  
TRANSPORTATION**

By:

  
\_\_\_\_\_  
One of Its Attorneys

Lance T. Jones  
Carrie Solberg  
Cindy Bushur-Hallam  
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	)	
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**STATUS REPORT**

NOW COMES Petitioner, the Illinois Department of Transportation (“Department”) by and through its attorney, and submits this Status Report in this matter.

On July 27, 2007, the Department filed a Petition for Adjusted Standard requesting relief from the Board’s general use water quality standards for sulfate and total dissolved solids (TDS) at 35 IL. Adm. Code 302.208(g).

On September 6, 2007, the Board issued an Order, highlighting some informational deficiencies in the Department’s petition and directed the Department to file an amended petition to cure said deficiencies. In Footnote 1 of the Order, the Board noted a pending rulemaking in which the Illinois Environmental Protection Agency (“Agency”) proposed amendments to the sulfate and TDS general use water quality standards. See In Matter of: Triennial Review of Sulfate and Total Dissolved Solids Water Quality Standards: Proposed Amendments To 35 Ill. Adm. Code 302.102(b)(6), 302.102(b)(8), 302.102(b)(10), 302.208(g), 309.103(c)(3), 405.109(b)(2)(A), 409.109(b)(2)(B), 406.100(d); Repealer of 30 Ill. Adm. Code 406.203 and Part 407; and Proposed New 35 Ill. Adm. Code 302.208(h), R07-9 (“Triennial Rulemaking”).

**Electronic Filing - Received, Clerk's Office, November 13, 2007**

On September 20, 2007, the Board issued an Order adopting the first-notice proposal in the Triennial Rulemaking.

On October 5, 2007, the proposed first notice of the Triennial Rulemaking appeared in the *Illinois Register*.

On October 11, 2007, the Hearing Officer extended the first notice public comment period of the Triennial Rulemaking until December 3, 2007.

As discussed in the Department's Motion to Stay, if the Agency's pending Triennial Rulemaking proposal to amend the sulfate and TDS standards (R07-9) is adopted, the Department's Petition AS 2008-001 becomes moot as these two constituents are addressed by R07-9. Therefore, the Department requests that the Board stay this matter until In Matter of: Triennial Review of Sulfate and Total Dissolved Solids Water Quality Standards: Proposed Amendments To 35 Ill. Adm. Code 302.102(b)(6), 302.102(b)(8), 302.102(b)(10), 302.208(g), 309.103(c)(3), 405.109(b)(2)(A), 409.109(b)(2)(B), 406.100(d); Repealer of 30 Ill. Adm. Code 406.203 and Part 407; and Proposed New 35 Ill. Adm. Code 302.208(h) has been adopted.

WHEREFORE, the Department requests that the Board stay the proceedings in this matter until such time as a resolution of the Triennial Rulemaking.

Respectfully submitted,

**ILLINOIS DEPARTMENT OF  
TRANSPORTATION**

By:

  
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One of Its Attorneys

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Cindy Bushur-Hallam  
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**AMENDED PETITION IN RESPONSE TO THE  
ILLINOIS POLLUTION CONTROL BOARD ORDER  
DATED SEPTEMBER 6, 2007**

NOW COMES Petitioner, the Illinois Department of Transportation ("Department") by and through its attorney, and submits this Response to the Illinois Pollution Control Board Order dated September 6, 2007 in this matter:

On July 24, 2007, the Department submitted a petition for an Adjusted Standard to the Illinois Pollution Control Board ("Board"). The petition was received by the Board on July 27, 2007, and assigned case number AS 2008-001.

On September 6, 2007, the Board issued an Order regarding AS 2008-001 requesting the Petitioner to provide additional information in the form of an amended petition. The Petitioner hereby submits the following information to amend its Petition (AS 2008-001). The Board's requests for additional information are followed by the Department's responses to those requests.

**RESPONSE TO COMMENTS**

- 1. IDOT's petition at page 9 includes two tables showing the calculated mass of sulfate and TDS in pounds per day. Please also indicate the number of tons per year. See 35 Ill. Adm. Code 104.406(d).***

Response:

See revised tables below. Tons per day are provided in parenthesis.

	Flow, MGD	Sulfates, Total			Mass Lbs/day – (tons/yr)	
		Concentration mg/l			Mean	95%UCL
		Mean	Max	95%UCL		
Bowman Station	9.504	381	580	496	30,199 (5,511)	39,315 (7,175)
Missouri Well field	5.328	291	642	445	12,931 (2,360)	19,774 (3,609)
Combined equiv. effluent - mass/(flow x 8.34)	14.832	349		478	43,130 (7,871)	59,088 (10,784)

	Flow, MGD	Total Dissolved Solids			Mass, Lbs/day – (tons/year)	
		Concentration mg/l			Mean	95%UCL
		Mean	Max	95%UCL		
Bowman Station	9.504	1,097	1,280	1,178	86,952 (15,869)	93,372 (17,040)
Missouri Well field	5.328	912	1,390	1,121	40,525 (7,396)	49,812 (9,091)
Combined equiv. effluent - mass/(flow x 8.34)	14.832	1,031		1,158	127,477 (23,265)	143,184 (26,131)

2. ***Appendix A to the petition shows the Unnamed Tributary, and Figure 2 shows a portion of the Cahokia Canal. None of the maps depicts the system of waterways affected from the Bowman Avenue Pump Station to the confluence of Schoenberger Creek and Cahokia Canal. Please provide a continuous map depicting the waterways affected: Pump Station to Drainage Way to Unnamed Tributary to Schoenberger Creek to Cahokia Canal. See 35 Ill. Adm. Code 104.406(d).***

Response:

Figure 5 is attached that illustrates the continuous flow depicting the waterways affected. It also clarifies that the unnamed tributary is also known as the Bowman Avenue Pump Station Drainageway.

3. ***In referring to AS 96-12, the petition at page 10 states that “[w]hile the treatment cost for the parameters evaluated then are not applicable to TDS and sulfates, they were nonetheless very high . . . .” Please explain whether IDOT believes that the costs and types of treatment for TDS and sulfate would be comparable to those evaluated in AS 96-12. See 35 Ill. Adm. Code 104.406(e).***

Response:

The purpose in making this reference was not necessarily to compare treatment costs for the constituents of concern at that time (iron and suspended solids) with TDS and sulfates, but simply to point out that they were very high. However, IDOT did want to update the direct river outfall system costs. IDOT believes that costs for treatment of TDS and sulfates would be much greater than the costs outlined in their petition in R96-12. In other past and current proceedings before the Board, costs for treating similar waste streams were in the \$30 million to over a \$100 million range.

- 4. From Appendix A of the petition, it appears the drainage way runs from the "Bowman Avenue Pump Station" to the "Bowman Avenue Pump Station Drainageway Discharge Point." Then it appears the water is discharged to the "Unnamed Tributary" and on to the channelized portion of Schoenberger Creek. The appendix differentiates between the "Drainageway" and the "Unnamed Tributary." IDOT's proposed adjusted standard wording, however, seems to group the drainage way and the unnamed tributary into one 1,750-ft section. Please address whether it would be clearer to identify the drainage way and unnamed tributary separately in the adjusted standard wording and, if so, please provide the revised language. See 35 Ill. Adm. Code 104.406(f).**

Response:

The nomenclature for the waterways in this area is very confusing and perhaps misleading names have been used interchangeably over the years. In the Board's Opinion and Order in AS 96-12 (October 3, 1996) under the "Facility Description" section the discharge is described as going "... to a 72" RCP sewer, and into the Bowman Avenue Pump Station Drainageway, which flows approximately 1,750 feet to an unnamed tributary to the Cahokia Canal. The Cahokia Canal discharges to the Mississippi River at Mississippi River Mile Marker 180.6."

In the Board's Opinion and Order, the water quality standard was adjusted "... for that portion of the Bowman Avenue Pump Station Drainageway, extending approximately 1,750 feet from the beginning of the Drainageway to its confluence with an unnamed tributary section downstream of Schoenberger Creek which is tributary to the Cahokia Canal." The Board's Opinion and Order refers to "that portion of the unnamed tributary section downstream of Schoenberger Creek extending approximately 5,000 feet downstream from the confluence with Bowman Avenue Pump Station Drainageway ..."

Another discharger in the East St. Louis area that obtained an Adjusted Standard was the Pfizer Chemical Co ("Pfizer"). In the Board's Opinion and Order in R81-29 (June 16, 1983) for Pfizer, the stream description identified that Pfizer had a discharge to Schoenberger Creek which flowed under railroad tracks to a marshy area where "...it loses the name Schoenberger Creek and becomes an unnamed tributary to the Cahokia Canal."

It appears that Schoenberger Creek has been treated as discharging to an unnamed tributary and thence to Cahokia Canal. It is unclear why this is the way it is, but perhaps historical stream channelization has helped cause some of this confusion.

The matter is further confused by the IDOT NPDES permit for this discharge. NPDES Permit No. IL0070955, issued December 8, 2002 identifies the receiving waters as "Unnamed Tributary to Schoenberger Creek tributary to Cahokia Canal, Tributary to the Mississippi River." Consistent with the NPDES permit this petition has treated Bowman Avenue Pump Station Drainageway as an unnamed tributary to Schoenberger Creek, and

assumed it was Schoenberger Creek that flowed to the Cahokia Canal. IDOT believes that to be consistent with the currently enforceable permit the nomenclature used in the petition will remain the same but be clarified.

For purposes of consistency with Section D describing the "Nature and Description" of activities, the proposed adjusted standard language in Section F will be changed to clarify the streams and be more consistent with AS 96-12. See the response to comment number 5 below.

- 5. The adjusted standard wording of AS 96-12 for the same discharge was formatted differently than the language proposed by IDOT here. The wording of AS 96-12 included separate sections for each stream segment and identified the deep well system by a name: FAI-55/70-FAI-64. For consistency and to provide a basis for comparison, please propose adjusted standard language more similar to the form of AS 96-12. See 35 Ill. Adm. Code 104.406(f).**

Response:

1. The general use water quality standard for total dissolved solids shall be 1,128 mg/l for that portion of the unnamed tributary (a/k/a Bowman Avenue Pump Station Drainageway) extending approximately 1,750 feet from the beginning of the tributary to its confluence with Schoenberger Creek which is tributary to the Cahokia Canal. The water quality standard for total dissolved solids found at 35 Illinois Administrative Code 302.208 shall not apply to the unnamed tributary (Bowman Avenue Pump Station Drainageway) in its entirety.
  2. The general use water quality standard for sulfates shall be 642 mg/l for that portion of the unnamed tributary (a/k/a Bowman Avenue Pump Station Drainageway) extending approximately 1,750 feet from the beginning of the tributary to its confluence Schoenberger Creek which is tributary to the Cahokia Canal. The water quality standard for sulfates found at 35 Illinois Administrative Code 302.208 shall not apply to the unnamed tributary (Bowman Avenue Pump Station Drainageway) in its entirety.
- 6. Please address the efforts necessary to achieve the adjusted standard and the associated costs. See 35 Ill. Adm. Code 104.406(f).**

Response:

If the adjusted standard is granted as proposed, the discharge would be in compliance and there would be no additional effort or costs.

- 7. The petition at page 15 states that "it is suspected that during non-rainy weather most if not all of the flow in the drainage way is from the IDOT flows." Please clarify whether this includes the unnamed tributary. See 35 Ill. Adm. Code 104.406(g).**

Response:

In the petition as submitted the "drainageway" and the unnamed tributary were used interchangeably. The statement is intended to mean that "it is suspected that during non-rainy weather most if not all of the flow in unnamed tributary (a/k/a Bowman Avenue Pump Station Drainageway) is from the IDOT flows."

- 8. Please discuss whether there is a Total Maximum Daily Load (TMDL) for the drainage way, the unnamed tributary, Schoenberger Creek, or Cahokia Canal and whether any of the affected waterways are listed on the federal Clean Water Act Section 303(d) (33**

***U.S.C. 1313(d) list as impaired. For any impaired waterways, please explain whether any of the causes of impairment are attributed to any components of TDS (e.g., sulfate, chloride, sodium, calcium, carbonate, magnesium). Please comment on the environmental impacts to downstream waters from compliance with the proposed adjusted standard, as well as to waterways for which the adjusted standard is proposed. See 35 Ill. Adm. Code 104.406(g).***

Response:

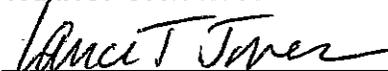
The identified drainageway, the unnamed tributary and Schoenberger Creek were not found on the 2006 Illinois 303(d) List. Cahokia Canal is identified on the 2006 Illinois 303(d) List as undergoing a TMDL for dissolved oxygen. Therefore, the potential impacts of sulfate and TDS to the identified drainage way, the unnamed tributary, Schoenberger Creek or Cahokia Canal would not cause impairment.

(Reference: "Illinois Integrated Water Quality Report and Section 303(d) List – 2006." Illinois Environmental Protection Agency, Bureau of Water, April 2006.)

Respectfully submitted,

**ILLINOIS DEPARTMENT OF  
TRANSPORTATION**

By:

  
\_\_\_\_\_  
One of Its Attorneys

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Cindy Bushur-Hallam  
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