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January 17, 2008

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STATE OF ILLINOIS  
Pollution Control Board

Illinois Pollution Control Board  
Attn: Ms. Marie E. Tipsord  
Attn: Mr. John T. Therriault  
100 West Randolph, Suite 11-500  
Chicago, IL 60601

**Subject: Pre-filed Questions and Comments, Docket No: R2008-009  
Proposed Amendments to 35 ILL. Administrative Code 301,  
302, 303, and 304  
Water Quality Standards and Effluent Limitations for the  
Chicago Area Waterway System and Lower Des Plaines River**

To Whom It May Concern:

Please find below questions and comments relating to the proposed subject rule making:

**Regulatory Background: Economic Reasonableness**

Section 5/27(a) of the Illinois Environmental Protection Act (415 ILCS 5/) states that *"In promulgating regulations under this Act, the Board shall take into account the existing physical conditions, the character of the area involved, including the character of surrounding land uses, zoning classifications, the nature of the existing air quality, or receiving body of water, as the case may be, and the technical feasibility and economic reasonableness of measuring or reducing the particular type of pollution."*

Complying with the proposed thermal standards may present difficult technical feasibility issues and involve significant capital investment. Did the agency seek historical thermal effluent data from all potentially impacted facilities along the affected waterway when assessing the economic feasibility of the proposed rule making?

### **Study Methodology: "Temperature Criteria Options for the Lower Des Plaines River"**

The agency relies heavily on data and observations from the report "*Temperature Criteria Options for the Lower Des Plaines River*" (C. Yoder & E. Rankin, October 11, 2005) to develop the proposed thermal standards for the subject waterways. Attachment S of the report contains a summary of the report data. Will the agency make the raw data and quality assurance/quality control methodology available from this study for review?

The agency has an extensive database of local field data relating to fish populations and water temperature in the subject waterway from dischargers such as Midwest Generation. Did the agency utilize this local field data during the process of developing the proposed thermal standards?

### **Mixing Zones**

Some of the dischargers potentially affected by the proposed rule making are located downstream from large dischargers with established mixing zones per regulations under 35 IAC 302.102. Will the agency clarify if and how mixing zone designations will be established for dischargers who currently may be in the footprint of another discharger's zone?

### **Narrative Water Quality Standards**

Narrative standards exist in 35 IAC 302.210 and in Subpart F for General Use Waters. Is it the agency's intention to incorporate this substantial set of narrative standards into the proposed Lower Des Plaines River standards? Did the agency evaluate the economic reasonableness and technical feasibility of incorporating these narrative standards into the proposed Lower Des Plaines River standards?

### **Disinfection**

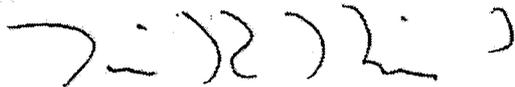
The proposed bacteria standard may require dischargers to disinfect effluents. Did the agency evaluate the economic reasonableness and technical feasibility of incorporating the proposed disinfection standard into the proposed Lower Des Plaines River standards?

### Chloride

Industrial storm water outfalls to the subject waterways may include offsite areas where the discharger does not have control over common activities that result in the discharge of high concentrations of chloride (such as application of road salt) that may impair the waterway for chloride. Does the agency intend to apply the proposed chloride standard to dischargers of storm water? If the proposed chloride standard is intended to apply to dischargers of storm water from multiple sources, did the agency evaluate the economic reasonableness and technical feasibility of incorporating the proposed standard into the proposed Lower Des Plaines River standards?

If you have any questions regarding this submittal please contact Joe Haug at 815-467-3263 or at [joseph.haug@fhr.com](mailto:joseph.haug@fhr.com).

Sincerely,  
Flint Hills Resources, LP



Tim R. Nicol  
Plant Manager, Vice President-Manufacturing