

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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JUN 30 2008

STATE OF ILLINOIS  
Pollution Control Board

IN THE MATTER OF: )  
)  
WATER QUALITY STANDARDS AND )  
EFFLUENT LIMITATIONS FOR THE )  
CHICAGO AREA WATERWAY SYSTEM )  
AND THE LOWER DES PLAINES RIVER: )  
PROPOSED AMENDMENTS TO 35 ILL. )  
Adm. Code Parts 301, 302, 303 and 304 )

R08-09  
(Rulemaking – Water)

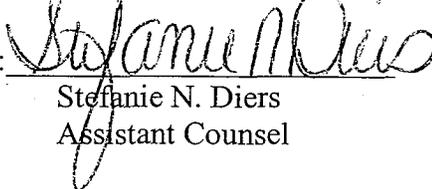
NOTICE OF FILING

To: John Therriault, Clerk  
Marie Tipsord, Hearing Officer  
James R. Thompson Center  
Illinois Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago, Illinois 60601

**SEE ATTACHED SERVICE LIST**

PLEASE TAKE NOTICE that I have filed today with the Illinois Pollution Control Board Requests Made to the Illinois EPA at the Hearings Held April 23<sup>rd</sup> and 24<sup>th</sup>, 2008, a copy of which is herewith served upon you.

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY

By:   
Stefanie N. Diers  
Assistant Counsel

Dated: June 27<sup>th</sup>, 2008  
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Springfield, Illinois 62794-9276  
(217) 782-5544

**THIS FILING IS SUBMITTED ON RECYCLED PAPER**

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R08-09  
(Rulemaking – Water)

**REQUESTS MADE TO THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY AT THE HEARINGS HELD APRIL 23<sup>RD</sup> AND 24<sup>TH</sup>, 2008**

The Illinois Environmental Protection Agency ("Illinois EPA") hereby submits the following information based on requests made to the Illinois EPA at the hearings held before the Illinois Pollution Control Board ("Board") on April 23<sup>rd</sup> and 24<sup>th</sup>, 2008. Illinois EPA submits the following:

1. At the hearings in March 2008, the Illinois EPA was asked if there was sediment data that perhaps CDM looked at but may not have been included in Attachment B ("Chicago Area Waterway System Use Attainability Analysis Final Report"). After reviewing Attachment B, sediment summary tables can be found on pages 4-12 and 4-14. Also, Illinois EPA is providing 30 different reports which address sediment data. (See Attached).

2. Illinois EPA was asked to provide a 7Q10 map or link. A 7Q10 map can be found at: <http://www.sws.uiuc.edu/docs/maps/lowflow/images/maps/map2.gif>

3. Illinois EPA was asked to provide additional data with respect to Attachment W, ("2001-2006 Effluent Sample Results for Temperature at Water Reclamation Plants, 2005 and 2006 Water Quality Sample Results for Temperature, pH, Alkalinity and Chloride, and Calculations of H2CO3 (soluble

C02) in Chicago Area Waterways in 2005 and 2006. MWRDGC, Research and Development (June 4, 2007)"). Illinois EPA is providing a CD that contains chloride data from MWRDGC from 2001-2003 that Mr. Twait referenced at the April 2008 hearings.

4. Illinois EPA was asked to provide information concerning best management practices used by local governments concerning road salting. Illinois EPA is providing information from the Du Page River and Salt Creek Workgroup concerning chloride reductions. (See Attached).

5. Illinois EPA was asked to provide a citation to federal policy that identifies a specific numeric goal for the number of Combined Sewer Overflows per year. U.S. EPA's Guidance Document "Combined Sewer Overflows: Guidance for Long-Term Control Plan" EPA 832-B-95-002 (September 1995) provides the requested information. Chapter 3 of this guidance document provides two approaches for the development and evaluation of alternatives for CSO control to reach achieve compliance with water quality standards: the "presumption approach" and the "demonstration approach". Under the presumption approach, which has been applied to the Tunnel and Reservoir Project being constructed by the Metropolitan Water Reclamation District of Greater, a goal of "no more than an average of four overflow even per year" is established to allow a facility to take advantage of this approach. U.S. EPA (1995) at p. 3-7 to 3-9." Furthermore, General Superintendent Lanyon made the following statement on December 16, 2003 at CAWS Stakeholder Advisory Committee Meeting, "However after TARP is completed, MWRD estimates that

no more than four CSO events per year that will discharge to the CAWS". (See P. 102, of Exhibit 36).

Illinois EPA also cites to U.S. EPA's Combined Sewer Overflow Control Policy. (See 59 Fed. Reg. 1866-1898 (April 19, 1994)). The policy states that there are to be "No more than an average of four overflow events per year."

Finally, in 2000, Congress passed the Wet Weather Quality Act of 2000, which required States that issue NPDES permits after December 15, 2000 to comply with aforementioned CSO policy. (See 33 U.S.C. 1342(q)(1)).

6. Illinois EPA was asked to further explain Hearing Exhibits 40, 41, 42, and 43 with respect to the stations relevant to this rulemaking. Illinois EPA is providing a spreadsheet of the station location description for IDNR fish samples for the Du Page River Basin (Exhibit 40), Des Plaines River Mainstem (Exhibit 41), Des Plaines River Basin tributaries (Exhibit 42) and the Kankakee River Basin (Exhibit 43). (See Attached).

7. Illinois EPA was asked for dissolved oxygen information with respect to R04-25. Illinois EPA is providing a copy of the Technical Support Document that was filed in R04-25. (See Attached).

8. Illinois EPA was asked to provide references to explain the distinction in the Board's General Use water quality standards between the Early Life Stages Present period of March through October for establishing ammonia standards (35 Ill. Adm. Code 302.412) and the seasonal dissolved oxygen standard of March 1 through July 31 designed to protect sensitive life stages of

fish (35 Ill. Adm. Code 302.206). (See, April 24, 2008 hearing transcript at pp. 154 – 157).

In R02-19, the Board established an Early Life Stages Present period for the ammonia water quality standards of March 1 through October 31. In each of its opinions in this docket the Board found that “This is conservative in that there will be waters where, during some portion of this period, such forms are not actually present. However, the proponents accept and the Board agrees, that such conservatism is warranted to provide workable protection for the great majority of aquatic species.” See, R02-19, First Notice Opinion (June 6, 2002) at p. 6; Second Notice Opinion (September 5, 2002) at p. 6; and Final Opinion (October 17, 2002) at p. 6. The Board references Hearing Transcript 1 at pp. 32 and 139 for this holding [Note: the reference to p. 139 should probably have been to p. 129]. The Board’s First Notice opinion in R02-19 also states “Today’s proposed amendments retain the provision for seasonally different ammonia standards. This provision is based on the well-accepted principle that ammonia toxicity differs seasonally due to differences in water temperature that produce differences in the proportion of ammonia that is present in the ionized versus un-ionized ammonia forms.” First Notice opinion (June 6, 2002) at pp. 5-6.

In R04-25, the Board summarized testimony from of Dr. Garvey on this issue in its First Notice Opinion by stating “Dr. Garvey maintains that the proposed early life stage time period is appropriate for DO because

the dynamics of DO and total ammonia differ in streams. Exh. 9 at 7. The total ammonia concentrations depend on discharge and do not vary on a seasonal basis, according to Dr. Garvey. Further, the toxicity of total ammonia increases with increasing temperature, requiring the application of the more stringent standard for a longer time period.” R04-25, First Notice Opinion at p. 31. The questions from Dr. Rao of the Board’s technical staff and Board Member Johnson which elicited the summarized testimony may be found in the June 29, 2004 Hearing Transcript at pp. 168 and 178-179 with Dr Garvey’s answers appearing on pp. 170-174 and 179-183. Testimony from Dr. Garvey on this issue is also found in the August 12, 2004 hearing transcript at pp. 22-23.

9. Illinois EPA was asked to provide comments it received on the CAWS UAA Draft. Illinois EPA is providing the comments it received on the CAWS UAA Draft. (See Attached).

Respectfully submitted,

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY

By:



Stefanie N. Diers  
Assistant Counsel  
Division of Legal Counsel

Date: June 27, 2008

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STATE OF ILLINOIS  
COUNTY OF SANGAMON

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SS

**PROOF OF SERVICE**

I, the undersigned, on oath state that I have served the attached Requests Made to Illinois EPA at the Hearings Held April 23<sup>rd</sup> and April 24<sup>th</sup>, 2008 upon the person to whom it is directed

by placing it an envelope addressed to:

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

**SEE ATTACHED SERVICE LIST**

and mailing it First Class Mail from Springfield, Illinois on June 27, 2008, with sufficient postage affixed.

Meredith Kelly

SUBSCRIBED AND SWORN TO BEFORE ME

This 27<sup>th</sup> day of June, 2008

Cynthia L. Wolfe  
Notary Public



**THIS FILING IS SUBMITTED ON RECYCLED PAPER**