

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:

PROPOSED SITE SPECIFIC	)	
RULE FOR CITY OF SPRINGFIELD,	)	
ILLINOIS, OFFICE OF PUBLIC	)	
UTILITIES, CITY WATER, LIGHT	)	R09-8
AND POWER AND SPRINGFIELD	)	(Site Specific Rulemaking – Water)
METRO SANITARY DISTRICT	)	
FROM 35 ILL. ADM. CODE	)	
SECTION 302.208(g): NEW 35 ILL.	)	
ADM. CODE 303.446	)	

**NOTICE OF FILING**

TO: Mr. John Therriault	Marie E. Tipsord
Assistant Clerk of the Board	Hearing Officer
Illinois Pollution Control Board	Illinois Pollution Control Board
100 West Randolph Street	James R. Thompson Center
Suite 11-500	100 West Randolph, Suite 11-500
Chicago, Illinois 60601	Chicago, Illinois 60601
<b>(VIA ELECTRONIC MAIL)</b>	<b>(VIA FIRST CLASS MAIL)</b>

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Illinois Pollution Control Board **PETITIONERS’ SUGGESTED CORRECTIONS TO THE BOARD’S SECOND NOTICE PROPOSED SITE SPECIFIC RULE LANGUAGE**, copies of which are herewith served upon you.

Respectfully submitted,  
CITY OF SPRINGFIELD, ILLINOIS,  
OFFICE OF PUBLIC UTILITIES,  
CITY WATER, LIGHT AND POWER,

and

SPRINGFIELD METRO SANITARY  
DISTRICT,

Date: April 7, 2009

By: /s/ Katherine D. Hodge  
Their Attorney

Katherine D. Hodge  
HODGE DWYER & DRIVER  
3150 Roland Avenue  
Post Office Box 5776  
Springfield, Illinois 62705-5776  
(217) 523-4900

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PROPOSED SITE SPECIFIC	)	
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ILLINOIS, OFFICE OF PUBLIC	)	
UTILITIES, CITY WATER, LIGHT	)	R09-8
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FROM 35 ILL. ADM. CODE	)	
SECTION 302.208(g); NEW 35 ILL.	)	
ADM. CODE 303.446	)	

**PETITIONERS’ SUGGESTED CORRECTIONS TO THE BOARD’S SECOND NOTICE PROPOSED SITE SPECIFIC RULE LANGUAGE**

NOW COME the Petitioners, City of Springfield, Illinois, Office of Public Utilities, City Water, Light and Power (“CWLP”) and Springfield Metro Sanitary District (“District”) (collectively “Petitioners”), by and through their attorneys, HODGE DWYER & DRIVER, and hereby provide the Illinois Pollution Control Board (“Board”) with the following suggested corrections to the Board’s proposed Site Specific Rule language, as included in its Second Notice Opinion and Order.

The Board issued its Second Notice Opinion and Order on April 2, 2009. See Opinion and Order of the Board, In the Matter of: Proposed Site Specific Rule for City of Springfield, Illinois, Office of Public Utilities, City Water, Light and Power and Springfield Metro Sanitary District From 35 Ill. Adm. Code Section 302.208(g): New 35 Ill. Adm. Code 303.446, (R09-8) (April 2, 2009). Within its Second Notice Opinion and Order, the Board proposed the following language for proposed new 35 Ill. Adm. Code 303.446:

Section 303.446 Boron Water Quality Standard for segments of the Sangamon River and the Illinois River Springfield Metro Sanitary District Spring Creek Treatment Plant Boron Discharge

The general use water quality standard for boron set forth in Section 35 Ill. Adm. Code 302.208(g) shall not apply to segments of the Sangamon River and the Illinois River (described below) waters of the State that receive discharge from Outfall 007 of the Spring Creek Sewage Treatment Plant located at 3017 North 8th Street, Springfield, Illinois, owned by the Springfield Metro Sanitary District. Boron levels in those river segments waters must meet the following water quality standards for boron-as set forth in this section:

- a) 11.0 mg/L in an area of dispersion within the Sangamon River from Outfall 007 (Latitude: 39° 51' 37.234" North, Longitude: 89° 38' 30.082" West) to 182 yards downstream from the confluence of Spring Creek with the Sangamon River (Latitude: 39° 51' 42.595" North, Longitude: 89° 38' 30.089" West);
- b) 4.5 mg/L in the Sangamon River from 182 yards downstream of the confluence of Spring Creek with the Sangamon River (Latitude: 39° 51' 42.595" North, Longitude: 89° 38' 30.089" West) to the confluence of Salt Creek with the Sangamon River (Latitude: 40° 7' 33.009" North, Longitude: 89° 49' 40.224" West), a distance of 39.0 river miles;
- c) 1.6 mg/L in the Sangamon River from the confluence of Salt Creek with the Sangamon River (Latitude: 40° 7' 33.009" North, Longitude: 89° 49' 40.224" West) to the confluence of the Sangamon River with the Illinois River (Latitude: 40° 7' 33.009" North, Longitude: 89° 49' 40.224" West), a distance of 36.1 river miles; and
- d) 1.3 mg/L in the Illinois River from the confluence of the Illinois River with the confluence of the Sangamon River (Latitude: 40° 7' 33.009" North, Longitude: 89° 49' 40.224" West) to 100 yards downstream of the confluence of the Illinois River with the Sangamon River (Latitude: 40° 1' 20.197" North, Longitude: 90° 26' 3.205" West).

Id. at 30-31.

Petitioners would like to bring to the Board's attention the following errors included in the Board's proposed Site Specific Rule language, as contained in its Second Notice Opinion and Order:

1. In subsection (c) of the proposed language – the second reference to a stream coordinate is incorrect. The latitude and longitude for the confluence of the Sangamon River with the Illinois River is inaccurate. It should be changed from “(Latitude: 40° 7’ 33.009” North, Longitude: 89° 49’ 40.224” West)” to “(Latitude: 40° 1’ 20.995” North, Longitude: 90° 25’ 59.451” West)” to reflect the information Petitioners submitted on November 21, 2008 in Attachment H (Coordinates for the Affected Stream Segments), which is attached hereto again as Exhibit 1. At present, the proposed language includes the same latitude and longitude for two different locations: the confluence of the Sangamon River with Salt Creek, and the confluence of the Sangamon River with the Illinois River.
2. In subsection (d) of the proposed language – the first reference to a stream coordinate is incorrect. The latitude and longitude for the confluence of the Sangamon River with the Illinois River is inaccurate. It should be changed from “(Latitude: 40° 7’ 33.009” North, Longitude: 89° 49’ 40.224” West)” to “(Latitude: 40° 1’ 20.995” North, Longitude: 90° 25’ 59.451” West)” to reflect the information Petitioners submitted on November 21, 2008 in Attachment H (Coordinates for the Affected Stream Segments). See Exhibit 1.
3. In the title of Section 303.446 (also found in the Table of Contents) – Petitioners recommend the “s” in “segments” be capitalized, *i.e.*, Segments.

Petitioners suspect that these were simply mistakes made by the Board in the development of its Second Notice Opinion and Order, and that the mistakes can be easily corrected before the Site Specific Rule is addressed by the Joint Committee on Administrative Rules. In order for the Site Specific Rule to be accurately reflected in the Illinois Administrative Code, it is important that these corrections be made. In order to

simplify the Board's review of Petitioners' suggested corrections, please see the corrected proposed Second Notice Site Specific Rule language attached hereto as Exhibit 2.

WHEREFORE, Petitioners, City of Springfield, Illinois, Office of Public Utilities, City Water, Light and Power and Springfield Metro Sanitary District, respectfully request that the Illinois Pollution Control Board make the above-mentioned corrections to the Illinois Pollution Control Board's proposed Site Specific Rule language, as included in its Second Notice Opinion and Order.

Respectfully submitted,

CITY OF SPRINGFIELD, ILLINOIS,  
OFFICE OF PUBLIC UTILITIES,  
CITY WATER, LIGHT AND POWER,

and

SPRINGFIELD METRO SANITARY  
DISTRICT,

Date: April 7, 2009

By: /s/ Katherine D. Hodge  
Their Attorney

Katherine D. Hodge  
HODGE DWYER & DRIVER  
3150 Roland Avenue  
P.O. Box 5776  
Springfield, Illinois 62705  
(217) 523-4900

CWLP:002/Fil/Suggested Edits to Second Notice

## ATTACHMENT H

Coordinates for the Affected Stream Segments

**EXHIBIT**

**1**

**Site-Specific Boron Standard for the Springfield  
Metro Sanitary District Spring Creek Plant  
Sangamon County, Illinois  
Hanson No. 07E0039**

**Sangamon River and Illinois River Coordinates\***

Location	Latitude	Longitude
SMSD Spring Creek Plant Outfall 007	39°51'37.234"	89°38'30.082"
182 Yards Downstream of the SMSD Outfall 007	39°51'42.595"	89°38'30.089"
Confluence of the Sangamon River with Salt Creek	40°7'33.009"	89°49'40.224"
Confluence of the Sangamon River with the Illinois River	40°1'20.995"	90°25'59.451"
100 Yards Downstream of the Confluence of the Sangamon River with the Illinois River	40°1'20.197"	90°26'3.205"

\* Coordinates are approximate and were determined using the Illinois State Water Survey's Illinois Streamflow Assessment Model GIS files and ArcGIS.

**CORRECTED PROPOSED SECOND NOTICE  
SITE SPECIFIC RULE LANGUAGE**

**EXHIBIT**

**2**



Section 303.446      Boron Water Quality Standard for Segments of the Sangamon River and the Illinois River

The general use water quality standard for boron set forth in 35 Ill. Adm. Code 302.208(g) shall not apply to segments of the Sangamon River and the Illinois River (described below) that receive discharge from Outfall 007 of the Spring Creek Sewage Treatment Plant located at 3017 North 8th Street, Springfield, Illinois, owned by the Springfield Metro Sanitary District. Boron levels in those river segments must meet the following water quality standards for boron:

- a) 11.0 mg/L in the Sangamon River from Outfall 007 (Latitude: 39° 51' 37.234" North, Longitude: 89° 38' 30.082" West) to 182 yards downstream from the confluence of Spring Creek with the Sangamon River (Latitude: 39° 51' 42.595" North, Longitude: 89° 38' 30.089" West);
- b) 4.5 mg/L in the Sangamon River from 182 yards downstream of the confluence of Spring Creek with the Sangamon River (Latitude: 39° 51' 42.595" North, Longitude: 89° 38' 30.089" West) to the confluence of Salt Creek with the Sangamon River (Latitude: 40° 7' 33.009" North, Longitude: 89° 49' 40.224" West), a distance of 39.0 river miles;
- c) 1.6 mg/L in the Sangamon River from the confluence of Salt Creek with the Sangamon River (Latitude: 40° 7' 33.009" North, Longitude: 89° 49' 40.224" West) to the confluence of the Sangamon River with the Illinois River (Latitude: 40° 1' 20.995" North, Longitude: 90° 25' 59.451" West), a distance of 36.1 river miles; and
- d) 1.3 mg/L in the Illinois River from the confluence of the Illinois River with the Sangamon River (Latitude: 40° 1' 20.995" North, Longitude: 90° 25' 59.451" West) to 100 yards downstream of the confluence of the Illinois River with the Sangamon River (Latitude: 40° 1' 20.197" North, Longitude: 90° 26' 3.205" West).

**CERTIFICATE OF SERVICE**

I, Katherine D. Hodge, the undersigned, certify that I have served the attached  
PETITIONERS' SUGGESTED CORRECTIONS TO THE BOARD'S SECOND  
NOTICE PROPOSED SITE SPECIFIC RULE LANGUAGE, upon:

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

Albert F. Ettinger, Esq.  
for Prairie Rivers Network  
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Traci Barkley  
Prairie Rivers Network  
1902 Fox Drive  
Champaign, Illinois 61801  
tbarkley@prairierivers.org

via electronic mail on April 7, 2009; and upon:

Matthew Dunn, Chief  
Environmental Bureau  
Office of the Attorney General  
69 West Washington Street, 18th Floor  
Chicago, Illinois 60602

Marie E. Tipsord  
Hearing Officer  
Illinois Pollution Control Board  
James R. Thompson Center  
100 West Randolph, Suite 11-500  
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Bill Richardson, Chief Legal Counsel  
Illinois Department of Natural Resources  
One Natural Resources Way  
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Springfield, Illinois 62702-1271

Michael D. Mankowski  
Assistant Attorney General  
Office of the Attorney General  
500 South Second Street  
Springfield, Illinois 62706

by depositing said documents in the United States Mail, postage prepaid, in Springfield,  
Illinois on April 7, 2009.

By: /s/ Katherine D. Hodge  
Katherine D. Hodge