

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

RECEIVED  
CLERK'S OFFICE

NOV 10 2011

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(B)  
(Rulemaking – Water)

NOTICE OF FILING

PC# 1152

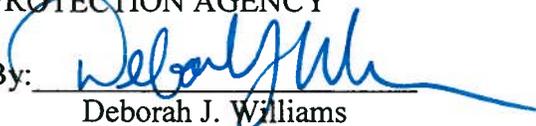
To: John Therriault, Clerk  
Marie Tipsord, Hearing Officer  
James R. Thompson Center  
Illinois Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago, Illinois 60601

2 ORIGINAL

**SEE ATTACHED SERVICE LIST**

PLEASE TAKE NOTICE that I have filed today with the Illinois Pollution Control Board Comments of the Illinois Environmental Protection Agency on the Pollution Control Board's Sub-Docket B First Notice Opinion, a copy of which is herewith served upon you.

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY

By:   
Deborah J. Williams  
Assistant Counsel

Dated: November 9, 2011  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276  
(217) 782-5544

**THIS FILING IS SUBMITTED ON RECYCLED PAPER**

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

RECEIVED  
CLERK'S OFFICE

NOV 10 2011

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 (Subdocket B)  
(Rulemaking – Water)

ORIGINAL

**COMMENTS OF THE ILLINOIS ENVIRONMENTAL PROTECTION  
AGENCY ON THE POLLUTION CONTROL BOARD'S SUBDOCKET B  
FIRST NOTICE OPINION**

The Illinois Environmental Protection Agency ("Illinois EPA" or "Agency"), by and through its attorneys, hereby submits its Comments on the First Notice Opinion issued by the Illinois Pollution Control Board ("Board") on July 7, 2011. In support thereof, the Illinois EPA states as follows:

**I. Procedural history**

On October 26, 2007, the Agency filed a rulemaking proposal to update the designated uses and accompanying water quality standards and effluent limitations for the waters currently designated for Secondary Contact and Indigenous Aquatic Life Use which includes most waters in the Chicago Area Waterway System ("CAWS") and Lower Des Plaines River. The Board docketed this proposal as R08-09. On March 18, 2010, the Board issued an order dividing R08-09 into four separate subdockets.

On July 7, 2011, the Board issued a First Notice Opinion and Order in Subdocket B establishing an effluent limit for fecal coliform bacteria of 400 colony forming units (cfu) per 100 milliliters for the period March 1 through November 30, for effluent

discharges to Primary Contact Recreation waters of the Chicago Area Waterway System (CAWS). Slip. Op. at 1. The Primary Contract Recreation segments are 1) lower North Shore Channel from North Side Water Reclamation Plant to confluence with the North Branch of the Chicago River; 2) North Branch of the Chicago River from its confluence with North Shore Channel to its confluence with South Branch of the Chicago River and Chicago River; 3) Chicago River, 4) South Branch of the Chicago River; 5) Little Calumet River from its confluence with Calumet River and Grand Calumet River to its confluence with Calumet-Sag Channel; and 6) Calumet-Sag Channel. *Id.* In adopting this requirement, the Board declined to establish an effluent disinfection limitation for the Incidental Contact and Non-Contact Recreation Use waters as proposed by the Agency. The Board also declined to adopt ambient water quality standards for the CAWS and Lower Des Plaines River while inviting participants to propose such standards in the future. *Id.*

The Board's First Notice Proposal was published in Volume 35, Issue 31 of the Illinois Register on July 29, 2011. See, 35 Ill. Reg. 12634-12644. On July 7, 2011, the Board submitted a letter to the Department of Commerce and Economic Opportunity ("DCEO") requesting that DCEO conduct an economic impact study of Subdocket B. DCEO did not respond to the Board's request. On October 27, 2011, the Board held a public hearing on DCEO's decision not to perform an economic impact study and received no comments or testimony.

## **II. Summary of Illinois EPA's First Notice Comments on Subdocket B**

The purpose of these comments is to provide the Illinois EPA's response to the Board's First Notice Opinion and Order issued on July 7, 2011. Illinois EPA identifies

four issues to address from the Board's First Notice Opinion and Order. Those issues are: 1) whether the Board should adopt the existing General Use fecal coliform water quality standard for Primary Contact Recreation waters; 2) whether the Board should adopt an effluent disinfection limitation for Incidental Contact Recreation use waters; 3) dates for the recreational season; and 4) justifying the effective date of compliance for effluent disinfection.

**III. Whether the Board should adopt the existing General Use fecal coliform water quality standard for Primary Contact Recreation waters**

In its First Notice Opinion the Board identified "[t]he major issue to be decided in Subdocket B is whether or not either water quality standards or effluent limits for waterborne human pathogens are necessary to protect the recreational use designations made in Subdocket A." Slip Op. at 110. At First Notice, the Board concluded to propose no ambient water quality standards but "invite[d] the participants to provide comments on whether the Board should adopt the existing water quality standard for CAWS and LDPR before proceeding to second notice." Slip. Op. at 113. The Illinois EPA recommends that the Board adopt regulatory language that would apply the existing General Use fecal coliform bacteria standard to Primary Contact Recreation waters in the CAWS.

To protect recreational uses in the CAWS and Lower Des Plaines River, the Clean Water Act requires some type of water quality standards for waterborne human pathogens. However, throughout this proceeding, the Agency has consistently taken the position that the current available scientific information is insufficient to determine the level of bacteria contamination that would be protective of incidental and non-

contact recreational uses. In the absence of a proposed water quality standard to protect non-primary contact recreational uses, the Agency proposed a technology-based effluent limit in 35 Ill. Adm. Code Part 304.

The Board has noted that “The record in Subdocket B did not directly address what type of water quality standards or effluent limitations would be necessary to protect water segments designated as Primary Contact Recreation. However, the Board can look to existing regulations governing General Use Waters of the State that are deemed ‘swimmable’ and the extensive record in R08-09 to craft protective rules for the four types of recreational use designations in the CAWS and LDPR.” Slip. Op. at 111. As the Board indicates in this passage, the Primary Contact Recreation waters in the CAWS are designated to protect for recreation in and on the water. Unlike the designated uses initially proposed by Illinois EPA, the Primary Contact Recreation use designation recognizes the ability of six CAWS segments to attain the Clean Water Act recreational goal use.

The Board correctly points out that its “fecal coliform water quality standard was established by the Board based on science that pre-dates the USEPA’s publication of the 1986 criteria.” Slip Op. at 112. The Agency recognizes that the existing, statewide numeric bacteria standard is out of date and will have to be updated in the foreseeable future. The Agency believes that it is appropriate to delay adoption of water quality criteria for the CAWS and LDPR segments that have received Incidental Contact and Non-Contact Recreation use designations until adequate science is available. Also, the Agency believes that revision of the current General Use water quality standard will be postponed until U.S. EPA finalizes any planned revisions to its 1986 National Criteria

Document. However, given that the Board has designated six segments of the CAWS for a Primary Contact Recreation use that is equivalent to the Clean Water Act recreational use goal, it is necessary and appropriate to apply to these waters the existing and federally approved water quality standards designed to protect that use. The language in 35 Ill. Adm. Code 302.209 applies a fecal coliform bacteria water quality standard to those General Use waters that are also “protected waters”. “Protected waters” under Section 302.209(a)(1) include those waters that “presently support or have the physical characteristics to support primary contact.”

For these reasons, the Agency recommends that the Board apply the existing General Use ambient water quality standards for fecal coliform bacteria which prohibit levels that exceed a geometric mean of 200 per 100 ml and also prohibit more than 10% of the samples during any 30 day period from exceeding 400 per 100 ml. To accomplish this recommendation that the Board apply the General Use water quality standard that applies to “protected” General Use waters to the Primary Contact Recreation water segments, the Agency proposes that the Board amend the existing regulatory language as follows.

TITLE 35: ENVIRONMENTAL PROTECTION  
SUBTITLE C: WATER POLLUTION  
CHAPTER I: POLLUTION CONTROL BOARD

PART 303  
WATER USE DESIGNATIONS AND SITE-SPECIFIC WATER QUALITY STANDARDS  
SUBPART B: NONSPECIFIC WATER USE DESIGNATIONS

**Section 303.204 Chicago Area Waterway System and Lower Des Plaines River**

The Chicago Area Waterway System and Lower Des Plaines River Waters are designated to protect for primary contact recreation<sup>1</sup>, incidental contact or non-contact recreational uses (except where designated as non-recreational waters) and commercial activity (including navigation and industrial water supply uses) limited only by the physical condition of these waters and hydrologic modifications to these waters. These waters are required to meet the secondary contact and indigenous aquatic life standards contained in 35 Ill. Adm. Code 302, Subpart D, but are not required to meet the general use standards or the public and food processing water supply standards of 35 Ill. Adm. Code 302, Subpart B and C, except that the waters designated as Primary Contact Recreation Waters in Section 303.220 must meet the numeric water quality standard for fecal coliform bacteria applicable to protected waters in 35 Ill. Adm. Code 302.209. Designated recreational uses for each segment of the Chicago Area Waterway System and Lower Des Plaines River are identified in this Subpart.

### **Section 303.220 Primary Contact Recreation Waters**

The following waters are designated as Primary Contact Recreation Waters and must be protected for Primary Contact Recreation uses as defined in 35 Ill. Adm. Code 301.323. These waters must meet the numeric water quality standard for fecal coliform bacteria applicable to protected waters in 35 Ill. Adm. Code 302.209.

- a) Lower North Shore Channel from North Side Water Reclamation Plant to confluence with North Branch of the Chicago River;
- b) North Branch of the Chicago River from its confluence with North Shore Channel to its confluence with South Branch of the Chicago River and Chicago River;
- c) Chicago River;
- d) South Branch of the Chicago River;
- e) Little Calumet River from its confluence with Calumet River and Grand Calumet River to its confluence with Calumet-Sag Channel; and
- f) Calumet-Sag Channel.

#### **IV. Whether the Board should adopt disinfection standards for the Incidental Contact Waters.**

In the original proposal to the Board, the Agency recommended an effluent disinfection requirement that would be applicable to Incidental Contact and Non-Contact Recreation use waters, but would not apply to Non-recreational use waters. In its

---

<sup>1</sup> “Primary Contact Recreation” is defined in 35 Ill. Adm. Code 301.323 for the CAWS. This definition is not identical to the “Primary Contact” definition in Section 301.355.

Opinion, the Board concludes, "Currently the record for establishing an effluent standard for Incidental Contact Recreation is not as convincing as for Primary Contact Recreation. Therefore, the Board will not require discharges into Incidental Contact waters to meet an effluent discharge limit for bacteria in this rulemaking." Slip. Op. at 115.

One consequence of the Board's change to the Agency's proposal is that fewer dischargers will be required to disinfect their effluent to the CAWS and Lower Des Plaines River. In particular, the Board noted that "the effluent discharge from the Stepan's Millsdale plant and the District's Stickney plant will not be subject to effluent limits for fecal coliform as a consequence of this rulemaking." Slip. Op. at 115-116. Illinois EPA wants to also point out for the Record that in addition to these two facilities, the Board's proposal will not require effluent disinfection for the City of Joliet's wastewater treatment plants that discharge into the Lower Des Plaines River.

In an attempt to narrow the issues before the Board, the parties have reached agreement that disinfection at Stickney is not necessary at this time but may need to be re-evaluated in the future to determine whether recreational use patterns have changed or whether hand-powered watercraft activities have increased.

Illinois EPA appreciates the Board's hard work in developing the proposal presented at First Notice. The Agency still believes that Incidental Contact Recreational Use activities should be protected from waterborne human pathogens. When the scientific information becomes available to promulgate ambient water quality standards for these activities, Illinois EPA intends to propose these standards to the Board. While the Agency is still concerned that disinfection at the MWRDGC Stickney

facility will be necessary in the future, the Agency is supportive of the compromise proposal sent to First Notice by the Board.

As more information becomes available, the Agency will continue to re-evaluate the current state of science and technology and may decide to propose an effluent disinfection requirement for Stickney and other dischargers to the Incidental Contact and Non-Contact Recreation Use waters at some date in the future.

## **V. Recreation Season Dates**

The Board points out in its Opinion that “the current general use standard only applies from May to October, while the record in this rulemaking indicates the recreational season in the CAWS and LDPR extends from March through November.” Slip. Op. at 112. Illinois EPA will explain why adopting the General Use fecal coliform water quality standard for Primary Contact Recreation waters will not create a conflict with the Board’s proposed language for 35 Ill. Adm. Code 304.224.

In explaining the effluent disinfection period of March through November proposed for First Notice, the Board references page 8 of the Agency’s post-hearing comments (PC #568). The Board cites to this page of the Agency’s comments to state “For example, rowing teams use segments of the CAWS designated for Primary Contact Recreation use as early as March and as late as November. Id.” The quotation from this page of the Agency’s PC #568 is as follows: “Due to the evidence of recreational activity by sculling teams in March and November, the Agency established a longer recreational season than the May through October season that is more typically used when a seasonal exemption is granted.”

It is important to clarify for the Record that these statements by the Agency were based on the occurrence of the incidental contact recreational activity of sculling in waters proposed for the Incidental Contact Recreation use by the Agency. Sculling does occur in some waters designated by the Board as Primary Contact Recreation waters and, although this is not a primary contact activity, the Illinois EPA believes that disinfection is an appropriate protection of this use in these waters. As a result, the Agency still maintains that March through November is the appropriate date to require disinfection from the Northside and Calumet Plants operated by the Metropolitan Water Reclamation District of Greater Chicago (“MWRDGC”).

Though the Board was rightly concerned about the apparent discrepancy between the March through November date in proposed 35 Ill. Adm. Code 304.224 and the May through October date of 302.209, the Agency believes a comparison of the existing language applicable to General Use waters and dischargers to General Use waters enables this issue to be easily reconciled.

The parallel language to proposed Section 304.224 that is applicable to dischargers to outside the CAWS and Lower Des Plaines River is found in Section 304.121(a) and states as follows: “Effluents discharged to all general use waters shall not exceed 400 fecal coliforms per 100 ml unless the Illinois Environmental Protection Agency determines that an alternative effluent standard is applicable pursuant to subsection (b).” Subsection (b) of Section 304.121, establishes the relevant criteria for dischargers to obtain a seasonal or year-round disinfection exemption. Although the water quality standard in Section 302.209 applies only to protected waters from May through October, dischargers to General Use waters must disinfect year round unless

they have obtained a disinfection exemption. Where a discharger is upstream from a water that is designated for Public and Food Processing Supply uses, that discharger is not eligible for a seasonal or year-round disinfection exemption. In addition, whereas the Agency typically grants seasonal disinfection exemptions for periods outside the May through October recreational season, there is nothing in 304.121 that prevents the Agency from altering or limiting the applicable exemption season based on the specific facts at issue in the receiving stream.

Returning to the currently proposed language, the Board's language in 304.224 creates two types of disinfection exemptions in the CAWS and Lower Des Plaines River. First, there is a year-round exemption that is implicitly created for dischargers to the recreational use designations that have been omitted. The Agency's proposal would have created a year-round disinfection exemption for dischargers to Non-Recreational Use waters only,<sup>2</sup> while the Board's proposal expands that to dischargers to the Non-Contact and Incidental Contact Recreation use segments. In addition to this year-round exemption, the Board's proposed language includes a built-in seasonal disinfection exemption for dischargers to Primary Contact Recreation waters for the period of December through February. While dischargers to General Use waters must apply to the Illinois EPA for disinfection exemptions based on the factors contained in 304.121(b), Illinois EPA is confident that the Use Attainability Analysis process and the recreational surveys conducted as part of that process have included an analysis of the factors that would be addressed in such an exemption application which justifies the inclusion of a codified seasonal disinfection exemption for the months of December,

---

<sup>2</sup> This language resulted in an exemption for the smallest of the four MWRDGC facilities on the CAWS which is located in Lemont, Illinois.

January and February. Based on the evidence of recreational activity by sculling teams in March and November, the Agency established a longer recreational season than the May through October season that is more typically used when a seasonal exemption is granted. Therefore, the Illinois EPA believes there is not an inherent inconsistency in referencing the March through October dates for the purpose of providing necessary water quality protection for Primary Contact Recreation waters and establishing within the technology-based effluent requirement a regulatory disinfection exemption that is uniquely tailored to the specific waters at issue.

#### **VI. Effective date of compliance for effluent disinfection**

In its First Notice Order, the Board proposed language for 35 Ill. Adm. Code 304.224 that made effluent disinfection a requirement for dischargers to Primary Contact Recreation waters on the effective date of the proposed regulations. However, the Board noted in its Opinion that the “Board will incorporate a specific time for compliance at second notice.” Slip. Op. at 114. To develop the specific time frame for compliance the Board indicated it “expects participants to update the record and clarify what compliance schedule is appropriate. The Board anticipates that a date between March 1, 2015 and March 1, 2020 will be appropriate.” *Id.* In these First Notice comments, Illinois EPA is proposing a 4 year compliance deadline for inclusion in Section 304.224 to ensure that effluent disinfection at the two MWRDGC facilities will be implemented during the 2016 recreation season.

In the First Notice Opinion, the Board was concerned that “EPA offered little explanation why three years would be sufficient to comply.” Slip. Op. at 114. The Agency’s initial proposal and Post-Hearing comments relied on this compliance period

of three years, because it is a common timeframe used in NPDES permits for compliance with water quality based effluent limits unless there is sufficient justification for a longer period.<sup>3</sup> If a regulated facility can sufficiently justify a longer schedule, it can be granted; but in all cases “the permittee shall be required to take specific steps to achieve compliance...in the shortest reasonable period of time. See, 35 Ill. Adm. Code 309.148. In this case, the Agency has concluded that a four year compliance period can be justified for implementation of effluent disinfection at the Northside and Calumet facilities because MWRDGC would need to pilot test their proposed technology, ultraviolet (UV) disinfection, for a year to evaluate any issues due to variable conditions, followed by design engineering (typically a year) and approximately two years of construction.

MWRDGC staff provided a compliance schedule for effluent disinfection to the MWRDGC Board and the Illinois EPA. See, Attachment A. That schedule allows for an investigation phase that will be completed by March 2012, a design phase from April 2012 to March of 2013, and a construction phase from April 2013 to November 2015. Under MWRDGC’s schedule, effluent disinfection would be prepared to commence by December 2015. The Agency is in the process of renewing NPDES permits to the Calumet and Northside water reclamation plants and it is anticipated that this schedule or one very similar to it will be included in these NPDES permits.

Given the current situation in which Subdocket B will be adopted no later than July of 2012, Illinois EPA is proposing a 4 year compliance deadline for inclusion in

---

<sup>3</sup> This practice is based on a policy established in a memo from Jim Hanlon, USEPA Director of Wastewater Management, dated May 10, 2007 and entitled “Compliance Schedules for Water Quality Based Effluent Limitations in NPDES Permits.”

Section 304.224 which will guarantee effluent disinfection at the two MWRDGC facilities in the 2016 recreation season. The Agency proposes the following regulatory language to address this recommended compliance date:

**Section 304.224 Effluent Disinfection**

Effluents discharged to the Primary Contact Recreation waters listed in 35 Ill. Adm. Code 303.220 must not exceed 400 fecal coliforms per 100 mL from March 1 through November 30. All effluents in existence on or before the effective date of this Section must meet these standards no later than four years after the effective date of this Section. All new discharges must meet these standards upon the initiation of discharge.

**VII. Conclusion**

The Agency appreciates the opportunity to comment on the Board's First Notice Opinion and Order and the time and effort invested by the Board in addressing the issues covered in Subdocket B. The Agency is in full support of the aspects of the Board's First Notice Order that are not addressed in detail in these comments and looks forward to conclusion of this rulemaking docket.

WHEREFORE, the Illinois EPA respectfully requests the Pollution Control Board proceed to Second Notice and Final Adoption of Subdocket B consistent with the comments and proposed language changes to Sections 303.204, 303.220 and 304.224

submitted above.

Respectfully submitted,

By:   
\_\_\_\_\_  
Deborah J. Williams  
Assistant Counsel  
Division of Legal Counsel

Date: November 9, 2011

Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276

# ATTACHMENT

A



# Metropolitan Water Reclamation District of Greater Chicago

100 East Erie Street  
Chicago, IL 60611

## Legislation Details (With Text)

**File #:** 11-1126      **Version:** 1

**Type:** Report      **Status:** Filed

**File created:** 9/7/2011      **In control:** Engineering Committee

**On agenda:** 9/15/2011      **Final action:** 9/15/2011

**Title:** Report on the Plan for Implementation of Disinfection Facilities at the North Side and Calumet Water Reclamation Plants

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
9/15/2011	1	Committee of the Whole	Recommended	Pass
9/15/2011	1	Board of Commissioners	Published and Filed	Pass

### TRANSMITTAL LETTER FOR BOARD MEETING OF SEPTEMBER 15, 2011

#### COMMITTEE ON ENGINEERING

Mr. David St. Pierre, Executive Director

**Title**

Report on the Plan for Implementation of Disinfection Facilities at the North Side and Calumet Water Reclamation Plants

**Body**

Dear Sir:

In accordance with the policy adopted by the Board of Commissioners at the Special Meeting held June 7, 2011, and at the direction of the Executive Director, the Engineering Department has developed a plan to proceed with the design and construction of facilities to disinfect the effluent from the North Side and Calumet Water Reclamation Plants (WRPs). The District has made the determination that disinfection facilities shall be operational at both plants by the year 2015. This report provides a brief description of the implementation plan to meet that deadline.

The implementation plan for disinfection facilities encompasses four phases: the Investigation Phase, the Design Phase, the Construction Phase, and the Start-Up and Operation Phase. The purpose of the Investigation Phase is to establish or confirm the appropriate disinfection technology to be implemented at the North Side and Calumet WRPs, and to develop an information data base which is necessary for establishing the parameters to be used to design the disinfection facilities. The District convened an expert panel in 2004-2005 to determine the most appropriate technology for disinfection at the MWRD plants which currently do not disinfect, and ultra-violet light technology was selected to be used for further cost estimating purposes. Several advances in disinfection technology since the time of the 2004-2005 study warrant further review.

During the Investigation Phase, analytical tests and monitoring will be required to establish the characteristics of the effluent water at each plant, which will be used to develop design parameters for the chosen technology.

Other wastewater treatment agencies that operate very large disinfection facilities will be contacted to learn of their experiences with the construction, operation, and maintenance of these facilities, and site visits to selected plants will be arranged. Information related to the existing sites and facilities will be gathered for use during the Design Phase.

The Design Phase will provide detailed construction documents for the facilities required to provide the selected disinfection technology. The Construction Phase involves the bidding, award of contracts, and construction of disinfection and related facilities, as well as construction management and engineering design support services. The Start-Up and Operation Phase will encompass all tasks required to transition the disinfection facilities into permanent operation.

The schedule for this implementation plan is as follows:

Investigation:	September 2011 to March 2012
Design:	April 2012 to March 2013
Advertising, bidding, and award:	April 2013 to October 2013
Construction:	November 2013 to November 2015
Start-Up and Operation:	December 2015

The Monitoring and Research (M&R) Department is taking the lead on conducting the Investigation Phase. A team of engineers from the M&R, Engineering, and Maintenance and Operations Departments will be dedicated to this team until selection of the disinfection technology is made. The Investigation Phase is currently in progress.

The Engineering Department will retain professional services from consulting engineering firms to provide the engineering design work. The consultant selection process is currently in progress. Requests for Statement of Qualifications have been sent to qualified firms to present their credentials for this work under the Engineering Department's qualifications based selection process. Submittals are due September 26, 2011, and interviews will be conducted shortly thereafter. Two firms will be selected, one assigned to the North Side plant and the other to the Calumet plant. Agreements will be finalized shortly after the disinfection technology is selected by the investigation team. The scope of work for the agreements will encompass the complete design of all disinfection unit process, including all related facilities, support during advertising, and post-award engineering services. The Engineering Department will provide construction management, surveillance, and inspection during construction.

Respectfully Submitted, Kenneth A. Kits, Director of Engineering, TEK:ECB

STATE OF ILLINOIS  
COUNTY OF SANGAMON

)  
)  
)  
)

SS

**PROOF OF SERVICE**

I, the undersigned, on oath state that I have served the attached Comments of the Illinois Environmental Protection Agency on the Pollution Control Board's Sub-Docket B First Notice Opinion 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

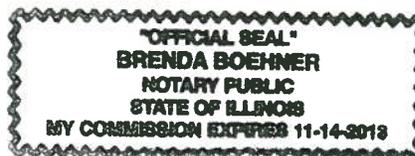
and mailing it by Overnight Mail from Springfield, Illinois on November 9, 2011, with sufficient postage affixed and by mailing it by First Class U.S. Mail from Springfield, Illinois on November 9, 2011 with sufficient postage affixed to the **ATTACHED SERVICE LIST**.

Meredith Kelly

SUBSCRIBED AND SWORN TO BEFORE ME

This 9<sup>th</sup> day of November, 2011

Brenda Boehner  
Notary Public



## Service List for R08-09

Elizabeth Schenkier  
Keith Harley  
Chicago Legal Clinic, Inc.  
211 West Wacker Drive, Suite 750  
Chicago, IL 60606

Susan M. Franzetti  
Nijman Franzetti LLP  
10 South LaSalle St.  
Ste. 3600  
Chicago, IL 60603

Katherine D. Hodge  
Monica Rios  
Matthew C. Read  
Hodge Dwyer Driver  
3150 Roland Ave.  
P.O. Box 5776  
Springfield, IL 62702

John Therriault, Clerk  
Illinois Pollution Control Board  
James R. Thompson Center  
100 West Randolph, Ste 11-500  
Chicago, IL 60601

Elizabeth Wallace  
Thomas H. Shepherd  
Office of the Attorney General  
Environmental Bureau North  
69 West Washington Street, Suite 1800  
Chicago, IL 60602

Jeffrey C. Fort  
Ariel J. Teshler  
Sonnenschein Nath & Rosenthal LLP  
7800 Sears Tower  
233 S. Wacker Drive  
Chicago, IL 60606-6404

Ann Alexander  
Senior Attorney, Midwest Program  
Natural Resources Defense Council  
2 Riverside Plaza, Floor 22  
Chicago, IL 60606

Fredrick M. Feldman  
Ronald M. Hill  
Margaret T. Conway  
Metropolitan Water Reclamation District  
of Greater Chicago  
111 East Erie Street  
Chicago, IL 60611

Mitchell Cohen, General Counsel  
Office of Legal Counsel  
Illinois Department of Natural Resources  
One Natural Resources Way  
Springfield, IL 62705-5776

Marie Tipsord, Hearing Officer  
Illinois Pollution Control Board  
James R. Thompson Center  
100 West Randolph, Ste 11-500  
Chicago, IL 60601

Jessica Dexter  
Environmental Law & Policy Center  
35 E. Wacker Dr., Suite 1600  
Chicago, IL 60601

Thomas W. Dimond  
Susan Charles  
Ice Miller LLP  
200 West Madison Street  
Suite 3500  
Chicago, IL 60606-3417

### Service List for R08-09 Continued

Fredric P. Andes  
Carolyn S. Hesse  
David T. Ballard  
Barnes & Thornburg LLP  
One North Wacker Drive  
Suite 4400  
Chicago, IL 60606

Stacy Meyers-Glen  
Openlands  
25 E. Washington, Ste. 1650  
Chicago, IL 60602

Kristy A.N. Bulleit  
Hunton & Williams LLC  
2200 Pennsylvania Ave, NW  
Washington, DC 20037

Jack Darin  
Cindy Skrukruud  
Sierra Club, Illinois Chapter  
70 East Lake Street, Ste 1500  
Chicago, IL 60601

Cathy Hudzik  
City of Chicago, Mayor's  
Office of Intergovernmental Affairs  
121 North LaSalle Street  
City Hall Room 406  
Chicago, Illinois 60602

Lyman C. Welch  
Alliance for the Great Lakes  
17 North State Street, Suite 1390  
Chicago, Illinois 60602

Lisa Frede  
Chemical Industry Council of Illinois  
1400 E. Touhy Ave.  
Des Plaines, IL 60019

Albert Ettinger, Senior Staff Attorney  
Environmental Law & Policy Center  
53 W. Jackson #1664  
Chicago, Illinois 60604