

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF: )  
 )  
TRIENNIAL REVIEW OF WATER )  
QUALITY STANDARDS FOR BORON, ) R11-18  
FLUORIDE AND MANGANESE: ) (Rulemaking – Water)  
AMENDMENTS TO 35 ILL. ADM. CODE )  
301.106, 302.SUBPARTS B, C, E, F, AND )  
302.312 )

**NOTICE OF FILING**

TO: Mr. John T. Therriault Ms. Kathleen Crowley  
Assistant Clerk of the Board Hearing Officer  
Illinois Pollution Control Board Illinois Pollution Control Board  
100 West Randolph Street 100 West Randolph Street  
Suite 11-500 Suite 11-500  
Chicago, Illinois 60601 Chicago, Illinois 60601  
(VIA ELECTRONIC MAIL) (VIA FIRST CLASS MAIL)

**(SEE PERSONS ON ATTACHED SERVICE LIST)**

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Illinois Pollution Control Board the POST-HEARING COMMENTS OF THE ILLINOIS ENVIRONMENTAL REGULATORY GROUP on behalf of the Illinois Environmental Regulatory Group, a copy of which is herewith served upon you.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL REGULATORY  
GROUP,

Dated: September 18, 2012

By:           /s/ Alec M. Davis            
Alec M. Davis

Alec M. Davis  
General Counsel  
Illinois Environmental Regulatory Group  
215 East Adams Street  
Springfield, Illinois 62701  
(217) 522-5512

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**POST-HEARING COMMENTS OF  
THE ILLINOIS ENVIRONMENTAL REGULATORY GROUP**

NOW COMES the ILLINOIS ENVIRONMENTAL REGULATORY GROUP (“IERG”) by and through its attorney, Alec M. Davis, and pursuant to the Hearing Officer’s order issued at the August 23, 2012 hearing, hereby submits its post-hearing comments in the above-captioned matter.

As stated previously, many IERG member companies are permitted dischargers of the parameters for which the water quality standards are being amended by the Illinois Pollution Control Board’s (“Board”) First Notice Proposal, and could be impacted by other provisions being amended. Further, the amendments are generally thought to be beneficial to the regulated community as a whole, and IERG encourages the Board to finalize the proposed amendments to the water quality standards as expeditiously as possible.

IERG submits these comments to address a single issue, raised by the Hearing Officer at the August 23, 2012 hearing. Specifically, the Hearing Officer inquired whether hearing participants objected to the Board including a requirement that Agency approval of mixing zones be “in writing” in addition to the language changes suggested by IERG in its First-Notice Comments. To be clear, IERG understands the inquiry to describe a change to the proposed 35 Ill. Admin. Code 302.208(c) (including the language suggested by IERG) to read as follows:

- c) The human health standard (HHS) for the chemical constituents listed in subsection (f) shall not be exceeded when the stream flow is at or above the harmonic mean flow pursuant to Section 302.658 nor shall an annual average, based on at least eight samples, collected in a manner representative of the sampling period, exceed the HHS except for those waters in which the Agency has approved a mixing zone in writing or in which mixing is allowed pursuant to Section 302.102as provided in subsection (d).

IERG has reviewed the Comments, dated September 14, 2012, submitted by the Illinois Environmental Protection Agency and concurs with the Agency's assessment of the Board's change. While IERG does not believe that the change is necessary, it does not object if the Board chooses to do so.

IERG appreciates the opportunity to provide these comments. Thank you for your consideration.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL  
REGULATORY GROUP,

Dated: September 18, 2012

By: /s/ Alec M. Davis  
Alec M. Davis

Alec M. Davis  
General Counsel  
Illinois Environmental Regulatory Group  
215 East Adams Street  
Springfield, Illinois 62701  
(217) 522-5512

**CERTIFICATE OF SERVICE**

I, Alec M. Davis, the undersigned, hereby certify that I have served the attached POST-HEARING COMMENTS OF THE ILLINOIS ENVIRONMENTAL REGULATORY GROUP upon:

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

via electronic mail on August 9, 2012; and upon:

Kathleen Crowley, Hearing Officer  
Pollution Control Board  
James R. Thompson Center  
100 W Randolph, Ste. 11-500  
Chicago, Illinois 60601

Thomas Shepherd  
Office of the Attorney General  
69 West Washington, Suite 1800  
Chicago, Illinois 60602

Office of Legal Services  
Illinois Department of Natural Resources  
One Natural Resources Way  
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800 E. Monroe, 4th Floor, Municipal Bldg.  
Springfield, Illinois 62757-0001

by depositing said documents in the United States Mail, postage prepaid, in Springfield, Illinois on September 18, 2012.

By: /s/ Alec M. Davis  
Alec M. Davis