

BEFORE THE POLLUTION CONTROL BOARD
OF THE STATE OF ILLINOIS

RECEIVED
CLERK'S OFFICE

MAR 26 2013

STATE OF ILLINOIS
Pollution Control Board

IN THE MATTER OF:)

Triennial Review of Water Quality)
Standards for Boron, Fluoride)
and Manganese: Amendments to 35)
Ill. Adm. Code 302. Subparts B, C, E)
And F and 303.312)

R11-18(B)
(Rulemaking-Water)



ORIGINAL

NOTICE

Clerk
Pollution Control Board
James R. Thompson Center
100 W. Randolph, Ste. 11-500
Chicago, Illinois 60601

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

PCT#1

Thomas Shepherd
Office of the Attorney General
69 W. Washington
Suite 1800
Chicago, Illinois 60601

IL. Dept. of Natural Resources
One Natural Resources Way
Springfield, Illinois 62702-1271

Christine Zeman
City of Springfield, Office of Public Utilities
800 E. Monroe, 4th Floor, Municipal Bldg.
Springfield, IL 62757-0001

Kathleen Bassi
Amy Antonioli
Schiff Harden, LLP
Ste 6600, 233 S. Wacker
Chicago, IL 60606

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Pollution Control Board the First Notice Comments of the Illinois Environmental Protection Agency on behalf of the Illinois Environmental Protection Agency, a copy of which is herewith served upon you.

ENVIRONMENTAL PROTECTION AGENCY
OF THE STATE OF ILLINOIS

By: 
Deborah J. Williams
Assistant Counsel

DATE: March 21, 2013
Illinois Environmental
Protection Agency
1021 North Grand Ave. East
P.O. Box 19276
Springfield, IL 62794-9276

THIS FILING IS SUBMITTED ON RECYCLED PAPER

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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MAR 26 2013
STATE OF ILLINOIS
Pollution Control Board

IN THE MATTER OF:)
)
TRIENNIAL REVIEW OF WATER QUALITY) R11-18(B)
STANDARDS FOR BORON, FLUORIDE) (Rulemaking – Water)
AND MANGANESE: AMENDMENTS)
TO 35 ILL. ADM. CODE 302.Subparts B, C, E)
and F and 303.312)

**FIRST NOTICE COMMENTS OF THE ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY**

The Illinois Environmental Protection Agency (“Illinois EPA” or “Agency”), by and through its attorney, Deborah J. Williams, hereby submits its comments on the first notice opinion and order issued by the Illinois Pollution Control Board (“Board”) on March 15, 2012 in the above-captioned rulemaking proceeding. In support thereof, the Illinois EPA states as follows:

Procedural Background

On December 2, 2010, the Agency filed a rulemaking proposal with the Board containing proposed amendments to the Board’s water quality standards regulations. The Board issued a first notice opinion and order in response to the Agency’s proposal on March 15, 2012 which was published in the April 13, 2012 issue of the *Illinois Register*. See, 36 Ill. Reg. 5713 (April 13, 2012). On November 15, 2012, the Board adopted a final opinion and order which was published in the December 28, 2012 issue of the *Illinois Register* at 36 Ill. Reg. 18863 with an effective date of December 12, 2012. The Agency submitted its proposal to the Attorney General’s Office for certification on

February 7, 2013 and to U.S. EPA for approval under a separate cover on February 4, 2013.

On February 7, 2013, the Board issued a first notice opinion and order opening a subdocket B of R11-18 to make two minor corrections to typographical errors in the final order. First notice was published in the *Illinois Register* on February 22, 2013 at 37 Ill. Reg. 2436.

Agency Comments on the Board's First Notice Opinion

Illinois EPA wants to express thanks to the Board and its staff for the special efforts taken to address the minor scriveners' errors contained in the published version of R11-18. Part 302 of the Board's regulations contains many complex formulas and the Agency is grateful by the diligence expressed by Board staff in ensuring that those formulas are accurately reflected in the regulations. In reviewing the Board's opinion and order, the Agency identified one additional typographical error in one of the formulas in 35 Ill. Adm. Code 302.208 that the Agency would like to recommend be included in this rulemaking at Second Notice. Section 302.208(e) contains a formula for the general use acute and chronic water quality standards for lead (dissolved). In a portion of that formula the published version included the following: $A = B \ln (H)$. Instead, that formula should have been published as $A + B \ln (H)$. The Agency is requesting that the Board change the equal sign (=) in both the acute and chronic water quality standard formulas to a plus sign (+).

Illinois EPA appreciates the Board's time and efforts in this rulemaking proceeding and the opportunity to improve the final regulatory language.

Respectfully submitted,

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

Date: March 21, 2012

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

STATE OF ILLINOIS)
)
COUNTY OF SANGAMON)

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Pollution Control Board

PROOF OF SERVICE

I, the undersigned, on oath state that I have served the attached First Notice
Comments of the Illinois Environmental Protection Agency to whom they are directed,
by placing a copy of each in an envelope addressed to:

Clerk
Pollution Control Board
James R. Thompson Center
100 W. Randolph, Ste. 11-500
Chicago, Illinois 60601

Kathleen Crowley, Hearing Officer
Pollution Control Board
James R. Thompson Center
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Kathleen Bassi
Amy Antonioli
Schiff Hardin, LLP
Ste 6600, 233 S. Wacker
Chicago, IL 60606

and mailing them from Springfield, Illinois on 3-21-13, with sufficient postage affixed
as indicated above.

Meredith Kelley

SUBSCRIBED AND SWORN TO BEFORE ME

This 21st day of March, 2013

Brenda Boehner

Notary Public

