

ORIGINAL

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FEB 19 2002

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

**STATE OF ILLINOIS
Pollution Control Board**

IN THE MATTER OF:)
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WATER QUALITY TRIENNIAL REVIEW:
AMENDMENTS TO 35 ILL. ADM. CODE
302.208(e)-(g), 302.504(a), 302.575(d)
303.444, 309.141(h), AND PROPOSED 35
ILL. ADM. CODE 301.267, 301.313,
301.413, 304.120, AND 309.157

R02-11
(Rulemaking-Water)

NOTICE OF FILING AND PROOF OF SERVICE


The undersigned certifies that an original and nine copies of the **Appearance of the Galesburg Sanitary District and Pre-Filed Testimony of Steven E. Davis, District Superintendent of the Galesburg Sanitary District for March 6, 2002**, Hearing were served upon the Clerk of the Illinois Pollution Control Board, and one copy was served upon the Hearing Officer in this cause and those listed on the attached service list by enclosing same in envelopes addressed to:

Dorothy Gunn, Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 W. Randolph St., Suite 11-500
Chicago, IL 60601

Marie Tipsord, Attorney
Hearing Officer
Illinois Pollution Control Board
100 West Randolph, Suite 11-500
Chicago, IL 60601

SEE ATTACHED SERVICE LIST

with postage fully prepaid, and by depositing said envelopes in a U.S. Post Office Mail Box in Springfield, Illinois on February 15, 2002.


Margaret P. Howard

HEDINGER & HOWARD
1225 South Sixth Street
Springfield, IL 62703
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STATE OF ILLINOIS
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APPEARANCE

NOW COMES the GALESBURG SANITARY DISTRICT, by its attorney,
MARGARET P. HOWARD and the law firm of HEDINGER & HOWARD, and hereby enters
its appearance in this Rulemaking.

Respectfully submitted,

GALESBURG SANITARY DISTRICT

By its attorneys,

HEDINGER & HOWARD

By *Margaret P. Howard*
Margaret P. Howard

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R02-11

(Rulemaking-Water)

STATE OF ILLINOIS
Pollution Control Board

PRE-FILED TESTIMONY OF STEVEN E. DAVIS, DISTRICT SUPERINTENDENT OF THE
GALESBURG SANITARY DISTRICT FOR MARCH 6, 2002, HEARING

My name is Steven E. Davis and I am the District Superintendent of the Galesburg Sanitary District (hereinafter "District"). On behalf of the District I am testifying in support of the following proposed amendments: 35 Ill. Adm. Code 301.267, 301.313, 301.413, and 309.157, and I urge the Pollution Control Board to adopt these proposed amendments. These amendments are based upon the June 1996, publication by the United States Environmental Protection Agency Office of Water (hereinafter, "Office of Water") of The Metals Translator: Guidance For Calculating A Total Recoverable Permit Limit From A Dissolved Criteria (EPA No. 823-B-96-007)(hereafter referred to as "Translator Document").

To briefly summarize, the Translator Document reaffirms an earlier determination by the Office of Water that dissolved metal concentrations are a better representation of the biologically active portion of metals and should be used for the application of water quality standards as opposed to total metal standards or total recoverable metals standards. The logic for using dissolved metals standards is that the primary mechanism for toxicity to organisms that live in the water column is by adsorption to or uptake across the gills and that this physiological process

requires metal to be in dissolved form. The Translator Document provides detailed technical guidance to develop a metals translator which is the fraction of total recoverable metal in the stream which is dissolved. The calculation of limits based upon the fraction of dissolved metals to the total recoverable metals is inherently site specific. The Translator Document notes that many local factors influence the dissolved to total metals ratio including water hardness, temperature, pH, concentrations of metal binding sites such as total suspended solids, dissolved organic carbon, and flow rates (Translator Document, pages 5, 15). Given the importance of the Translator Document, I request that this Board incorporate the Translator Document into this rulemaking by specific reference.

The District's effluent limits for copper provide a good example of how these proposed amendments would work. The District has high values for its influent copper due to high levels of copper in the City of Galesburg water system. Consumer Confidence Reports published by the City of Galesburg for the years 1999 and 2000 show copper levels in the water system for both years as high as 1.4 mg/L. The allowable limit for potable water is 1.3 mg/L. Based upon the 25th percentile hardness for the District's receiving stream, the chronic water quality standard for total recoverable copper was calculated by the Illinois Environmental Protection Agency to be 0.031 mg/L. The District, being a separate municipal entity from the City of Galesburg, has no authority or control over the operation of the water system and therefore has no means of controlling the levels of copper which flows from that source into the wastewater collection system and treatment plant.

Beginning in October, 1999, the District began sampling and testing its plant effluent for copper pursuant to the requirements of its NPDES permit at least twice weekly. Composite samples

have been taken of the effluent and sent to PDC Laboratories for analysis for total copper. On the advice of its environmental consultant, the District also began sampling and testing for dissolved copper both in the effluent and from the receiving stream 300 feet downstream from the plant discharge. Overall, the District has taken over 180 samples. Total copper in the effluent has averaged 0.030 mg/L. In comparison, dissolved copper in the effluent has averaged 0.018 mg/L. For the downstream samples, the total copper has averaged 0.019 mg/L and dissolved copper has averaged 0.013 mg/l. These results clearly indicate that dissolved copper in the District's effluent is only about half the total copper and that neither total copper or dissolved copper in the receiving stream is anywhere close to the water quality level of 0.031 mg/L. In short, both the District and IEPA have agreed that this is a perfect situation for application of the USEPA metals translator doctrine. It is worth noting that the methodology set forth in the Translator Document is rigorous but was straightforward in practical application. This is important since it would be anticipated that the IEPA rules for implementing the translator rule will mirror the methodology in the Translator Document.

In summary, the District urges the Board to adopt the amendments to 35 Ill. Adm. Code 301.267, 301.313, 301.413 and 309.157 as proposed and to incorporate by reference, USEPA's Translator Document. It will enable the IEPA to implement discharge limits which better protect stream and aquatic quality based upon levels of dissolved metals and characteristics of individual streams. By giving the IEPA the same authority that many other states already have, many costly and extended actions for adjusted standards before this Board can be avoided.

The Galesburg Sanitary District

By: 

Steven E. Davis
District Superintendent