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OCT 12 2004

STATE OF ILLINOIS
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)

INTERIM PHOSPHOROUS EFFLUENT)
STANDARD, PROPOSED 35 ILL.ADM.)
CODE 304.123 (G-K))

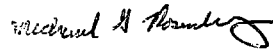
R04-26
(Rulemaking-Water)

NOTICE OF FILING

TO: SEE ATTACHED SERVICE LIST

PLEASE TAKE NOTICE that on October 12, 2004 the undersigned filed the Metropolitan Water Reclamation District of Greater Chicago's Rebuttal to Previously Filed Comments Of Professor Walter K. Dodds By Richard Lanyon And The Metropolitan Water Reclamation District of Greater Chicago with the Illinois Pollution Control Board. A copy of the filing accompanies this notice.

METROPOLITAN WATER RECLAMATION
DISTRICT OF GREATER CHICAGO



Michael G. Rosenberg, Its Attorney

Metropolitan Water Reclamation
District of Greater Chicago
Michael G. Rosenberg
Ronald M. Hill
100 East Erie Street
Chicago, Illinois 60611
(312) 751-6583

RMH:jp

STATE OF ILLINOIS)
) SS.
COUNTY OF COOK)

CERTIFICATE OF SERVICE

I, Judith A. Pappalardo, being duly sworn on oath, certify that I caused a copy of the attached Metropolitan Water Reclamation District of Greater Chicago's Rebuttal To Previously Filed Comments Of Professor Walter K. Dodds By Richard Lanyon And The Metropolitan Water Reclamation District Of Greater Chicago to be served by First Class U. S. Mail to all parties shown on the attached Service List, at their addresses shown on said Service List, with proper postage prepaid, from 100 E. Erie Street, Chicago, Illinois, at or near the hour of 4:00 p.m., on October 12, 2004:

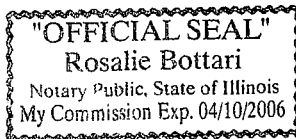
TO: SEE ATTACHED SERVICE LIST



SUBSCRIBED and SWORN to
before me on October 12, 2004.



Notary Public



RMH:jp

Party Name	Role	City & State	Phone/Fax
<u>IEPA</u> Petitioner Sanjay K. Sofat, Assistant Counsel	1021 North Grand Avenue East P.O. Box 19276	Springfield IL 62794-9276	217/782-5544 217/782-9807
<u>Gardner Carton & Douglas</u> Interested Party Roy M. Harsch	191 N. Wacker Drive Suite 3700	Chicago IL 60606-1698	312/569/1000 312/569-3000
<u>Office of the Attorney General</u> Interested Party Matthew J. Dunn, Chief	Environmental Bureau 100 West Randolph Street, 11th Floor	Chicago IL 60601	312/814-2550 312/814-2347
<u>Illinois Environmental Regulatory Group</u> Interested Party Robert A. Messina, General Counsel	3150 Roland Avenue	Springfield IL 62703	217/523-4942 217/523-4948
<u>Environmental Law and Policy Center</u> Interested Party Albert F. Ettinger	35 East Wacker Drive Suite 1300	Chicago IL 60601	312/673-6500 312/795-3730
<u>Wilkie & McMahon</u> Interested Party John McMahon	8 East Main Street	Champaign IL 61820	217/359-2115 217/359-2754
<u>Department of Natural Resources</u> Interested Party Jonathan Furr	One Natural Resources Way	Springfield IL 62702-1271	217/782-1809 217/524-9640
<u>MWRDGC</u> Interested Party Richard Lanyon, Director of Research & Development	100 E. Erie	Chicago IL 60611	
<u>Aurora University</u> Interested Party David Horn, Asst. Prof., Biology	347 Gladstone Avenue	Aurora IL 60506	
<u>City of Plano</u> Interested Party Darin Boyer	17 E. Main Street	Plano IL 60545-1521	

Total number of participants: 10

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REBUTTAL TO PREVIOUSLY FILED COMMENTS OF PROFESSOR
WALTER K. DODDS BY RICHARD LANYON AND THE METROPOLITAN
WATER RECLAMATION DISTRICT OF GREATER CHICAGO

My name is Richard Lanyon. I am currently employed by the Metropolitan Water Reclamation District of Greater Chicago ("District") as its Director of Research & Development. The District is a unit of local government created by the state legislature for the purpose of collection and disposing of sewerage, reducing pollution of the waterways and preventing flooding. 70 ILCS 2605/1, *et seq.* The District's service area is most of Cook County. In its capacity as a water reclamation district, the District operates seven treatment facilities in its service area, serves five million residents and treats an average of 1.4 billion gallons of sewage daily.

I have been the District's Director of R&D since 1999. As Director of Research & Development, I supervise the District's Research & Development Department, which has a staff of 340. Prior to becoming Director of Research & Development, I was the Assistant Director of Research & Development. I held this position from 1975 until 1999. I have been employed by the District since 1963.

I am submitting this statement as a rebuttal to the September 8, 2004, comments of Professor Walter K. Dodds which supported the subject Illinois Environmental Protection Agency ("Agency") proposal.

On Page 1, paragraph 2 of Professor Dodds' comments he states that nutrient "problems are common in lakes above approximately 0.03 mg/l total phosphorus and 0.4 mg/l total nitrogen."

On Page 2, first full paragraph of Professor Dodds' comments he states that 1.0 mg/l effluent limits have "been attained in many areas draining into the Great Lakes." Nowhere in his comments does Professor Dodds discuss appropriate phosphorus concentrations for Illinois rivers, which is what the Agency proposal is dealing with.

On Page 1, paragraph 2 Professor Dodds cites an article by Smith et al. (2003). This article discusses methods for estimating what nutrient concentrations in U. S. rivers and lakes were prior to the arrival of European settlers. It is unclear as to whether Professor Dodds has advocated this as a goal for the Agency to work towards.

Based upon Professor Dodds' comments, it appears as though Professor Dodds, who resides in Kansas, may not be fully apprised as to the environmental issues in Illinois or the specifics of the Agency's proposal in this rulemaking. The majority of Professor Dodds' comments relate to appropriate phosphorus levels for lakes that is irrelevant to the Agency proposal. His comments also suggest that he believes that Illinois' Publicly Owned Treatment Works discharge to the Great Lakes, which is not the case. For these reasons, we respectfully recommend that the Board either disregard Professor Dodds' comments, or in the alternative, give them little weight.

Metropolitan Water Reclamation District
of Greater Chicago,

By:



Richard Lanyon, Director of R&D

October 8th, 2004

Metropolitan Water Reclamation
District of Greater Chicago
100 East Erie
Chicago, Illinois 60611
312.751.5190

THIS FILING IS SUBMITTED ON RECYCLED PAPER