

ORIGINAL

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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APR 12 2002

STATE OF ILLINOIS  
Pollution Control Board

IN THE MATTER OF: )  
)  
PROPOSED AMENDMENTS TO )  
AMMONIA NITROGEN STANDARDS )  
35 Ill. Adm. Code )

R 02-19  
(Rulemaking - Water)

NOTICE OF FILING

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

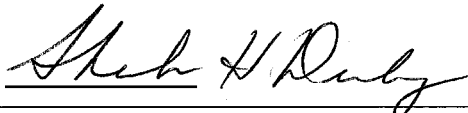
Division of Legal Counsel  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, IL 62794-9276

Office of the Attorney General  
Division Chief of Environmental Enforcement  
188 West Randolph Street  
Chicago, IL 60610

See Attached Service List

**PLEASE TAKE NOTICE** today that I have filed with the Clerk of the Illinois Pollution Control Board **Second Written Testimony of Michael Callahan and Second Written Testimony of Robert J. Sheehan** a copy of which is herewith served upon you.

Respectfully submitted,



One of Attorneys for Petitioner

Dated: April 12, 2002

Roy M. Harsch  
Sheila H. Deely  
GARDNER, CARTON & DOUGLAS  
321 North Clark Street - Suite 3400  
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**THIS FILING IS SUBMITTED ON RECYCLED PAPER**

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35 Ill. Adm. Code )  
)

**SECOND WRITTEN TESTIMONY OF MICHAEL CALLAHAN  
ON BEHALF OF THE ILLINOIS ASSOCIATION OF WASTEWATER AGENCIES**

**Introduction**

My name is Michael Callahan. I previously filed testimony on behalf of the Illinois Association of Wastewater Agencies (IAWA) to explain the Proposed Rulemaking. I am here on behalf of the IAWA to explain the revisions that were made to the Proposed Rule, which were filed on April 2, 2002.

The Proposed Rule was revised to include all of the suggested revisions specified in the prior testimony of Robert Mosher on behalf of the Illinois Environmental Protection Agency, which was presented at the first hearing. In addition, the revised Proposed Rule changed several provisions to address certain comments by Board Member Flemal put forth at the first hearing in this matter. These suggestions included revising the terms "Summer" and "Winter". These terms were changed to "Early Life Stage Present" and "Early Life Stage Absent," which correspond with the time periods intended to be covered with the prior terms. See Section 302.212(b)(2) and (e). No changes to the time periods have been made. In addition, IAWA added a definition of "Early Life Stage," which was taken from the ORSANCO rule. This change is consistent with the analysis IAWA undertook in preparation for this rulemaking. Dr. Robert Sheehan will address this change in further detail. IAWA also made other minor changes for the purpose of clarification. IAWA added the word "water" before temperature throughout

the rule, and clarified Section 302.212(c)(3) to address the sampling required to evaluate attainment.

CH02/22182371.1

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Pollution Control Board

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

IN THE MATTER OF: )  
)  
PROPOSED AMENDMENTS TO ) R 02-19  
AMMONIA NITROGEN STANDARDS ) (Rulemaking – Water)  
35 Ill. Adm. Code )

**SECOND WRITTEN TESTIMONY OF ROBERT J. SHEEHAN**

I am Robert J. Sheehan, Professor of Fisheries in Zoology and Assistant Director of the Fisheries and Illinois Aquaculture Center, Southern Illinois University Carbondale. I am commenting today on the revised Proposed Rule filed by the Illinois Association of Wastewater Agencies (“IAWA”), and specifically issues relating to the database of spawning dates of fish that I prepared in connection with this rulemaking. I testified in detail on this subject at the first hearing to address the Proposed Rule filed by IAWA.

The revised Proposed Rule adds a definition for “Early Life Stage” at Section 302.100. This definition is consistent with my work in this matter. Because the U.S. Environmental Protection Agency’s National Criteria Document, *Ambient Water Quality Criteria for Ammonia—1999*, on which this rulemaking is based, does not define “early life stage,” representatives of IAWA and myself looked to other sources for a concise definition. The ORSANCO rulemaking contained the following definition:

“Early Life Stages” of fish means the pre-hatch embryonic period, the post hatch free embryo or yolk-sac fry, and the larval period, during which the organism feeds. Juvenile fish, which are anatomically rather similar to adults, are not considered an early life stage.

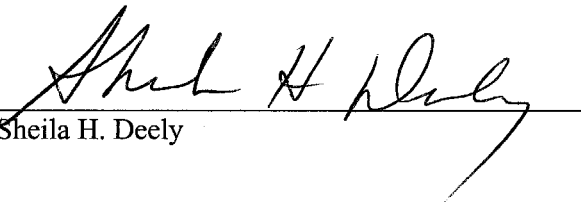
I believe this definition is concise and accurate. I used this definition in my determination of when the “early life history stages present” water quality criteria should be applied in Illinois.

At the first hearing in this matter, Board Member Flemal also inquired about the word “indigenous,” in describing the fish that are considered in connection with the water quality standard before the Board. I believe that it is not necessary to add “indigenous” and it would unnecessarily complicate this issue. Certain species stocked by the Illinois Department of Natural Resources, such as the striped bass or muskie, may not be indigenous to Illinois waters, but it might still be appropriate to consider the early life stages of these species in deriving water quality standards. I believe that the limitation to fishes that are not salmonids adequately addresses the fish species to be considered. No reproducing salmonid populations are found in Illinois waters that receive NPDES point source discharges.

CH02/22182375.1

**CERTIFICATE OF SERVICE**

The undersigned certifies that a copy of the foregoing **Notice of Filing Second Written Testimony of Michael Callahan and Second Written Testimony of Robert J. Sheehan** were filed by hand delivery with the Clerk of the Illinois Pollution Control Board and served upon the parties to whom said Notice is directed by first class mail, postage prepaid, by depositing in the U.S. Mail at 321 North Clark Street, Chicago, Illinois on Friday, April 12, 2002.

  
Sheila H. Deely

**R02-19 Service List  
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