

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

RECEIVED
CLERK'S OFFICE

SEP 16 2005

STATE OF ILLINOIS
Pollution Control Board

IN THE MATTER OF:)
)
REVISIONS TO RADIUM WATER)
QUALITY STANDARDS: PROPOSED)
NEW 35 ILL. ADM. CODE 302.307)
AND AMENDMENTS TO 35 ILL. ADM.)
CODE 302.207 AND 302.525)

R04-21
(Rulemaking – Water)

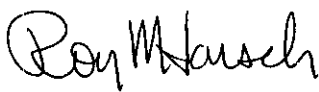
NOTICE OF FILING

TO: See Attached Service List

PLEASE TAKE NOTICE that on September 16, 2005, we filed with the Office of the Clerk of the Pollution Control Board an original and ten copies of the attached ***RESPONSE TO MOTION TO FILE SUPPLEMENTAL PUBLIC COMMENT***, a copy of which is served upon you.

Respectfully submitted,

THE CITY OF JOLIET

By: 
One of Its Attorneys

Roy M. Harsch
GARDNER CARTON & DOUGLAS LLP
191 Wacker Drive – Suite 3700
Chicago, Illinois 60606
(312) 569-1000

THIS FILING PRINTED ON RECYCLED PAPER

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

RECEIVED
CLERK'S OFFICE

SEP 16 2005

IN THE MATTER OF:)
)
REVISIONS TO RADIUM WATER)
QUALITY STANDARDS: PROPOSED)
NEW 35 ILL. ADM. CODE 302.307)
AND AMENDMENTS TO 35 ILL. ADM.)
CODE 302.207 AND 302.525)

R04-21
(Rulemaking – Water)

STATE OF ILLINOIS
Pollution Control Board

RESPONSE TO MOTION TO FILE SUPPLEMENTAL PUBLIC COMMENT

The City of Joliet (“Joliet”), by its attorneys Gardner Carton & Douglas LLC and pursuant to 35 IL. Adm. Code 102.108(b), responds to Water Remediation Technology LLC’s (“WRT”) Motion to File Supplement Public Comment.

1. WRT appears to claim that Joliet did not timely disclose data to WRT, and consequently WRT would be materially prejudiced if it was not permitted to respond to the “other information” in Joliet’s comments. It is true that Joliet sought and was given concurrence to ask for an extension of the comment period to allow Joliet to collect data from a number of municipalities and provide it in Joliet’s comment to the Board. At no time did Joliet state that it was limiting its comments to the data and did not include such a limitation in the motion it filed. The Board granted the motion to allow all parties to file comments by the extended date.

2. Joliet provided all the data it had in its possession by agreed upon date in order to allow parties time to review it and comment prior to the extended comment deadline. As clearly explained in the attached letter from Mr. Dennis Duffield to the undersigned dated September 8, 2005, Joliet did not receive the data from the Metropolitan Water Reclamation District of Greater Chicago (“MWRDGC”) until after that date. This additional data from the MWRDGC was supplemental to and corroborated the data Joliet already provided to WRT.

3. The MWRDGC data demonstrates that WRT's claim, that the "issues of disagreement in the record are site specific to Joliet," is just plain wrong.

4. WRT is not a respondent to Joliet; it is a participant just as Joliet is, and WRT does not have a special right to get "the last word," nor to receive advance notice of timely filed comments by every other party. Joliet has not had that right with respect to WRT or others.

WHEREFORE, the City of Joliet responds that WRT's motion to file yet more comments should be denied.

CITY OF JOLIET

By: 

One of it's Attorneys

Dated: September 16, 2005

GARDNER, CARTON & DOUGLAS
Roy M. Harsch
Sheila H. Deely
Gardner Carton & Douglas LLP
191 North Wacker Drive
Suite 3700
Chicago, Illinois 60606
(312) 569-1441

CERTIFICATE OF SERVICE

The undersigned certifies that he has served upon the individuals named on the attached Notice of Filing true and correct copies of ***RESPONSE TO MOTION TO FILE SUPPLEMENTAL PUBLIC COMMENT*** by First Class Mail, postage prepaid, on September 16, 2005.



R 04-21 SERVICE LIST

Deborah J. Williams Stephanie N. Diers Illinois Environmental Protection Agency 1021 N. Grand Avenue, East P.O. Box 19276 Springfield, IL 62794-9226	Dennis L. Duffield City of Joliet Department of Public Works & Utilities 921 E. Washington Street Joliet, Illinois 60431
Albert F. Ettinger Environmental Law & Policy Center 35 East Wacker Drive, Suite 1300 Chicago, Illinois 60601	Stanley Yonkauski Illinois Department of Natural Resources One Natural Resources Way Springfield, Illinois 62702-1271
Matthew J. Dunn Office of the Attorney General Environmental Bureau 188 West Randolph, 20 th Floor Chicago, Illinois 60601	RoseMarie Cazeau Office of the Attorney General Environmental Bureau 188 West Randolph, 20 th Floor Chicago, Illinois 60601
Dorothy M. Gunn Amy Antonioli Illinois Pollution Control Board 100 West Randolph Street, Suite 11-500 Chicago, Illinois 60601	William Seith Total Environmental Solutions 631 E. Butterfield Road, Suite 315 Lombard, Illinois 60148
Claire A. Manning Brown, Hayes & Stephens LLP 700 First Mercantile Bank Building P.O. Box 2459 Springfield, Illinois 62705-2459	John McMahon Wilkie & McMahon 8 East Main Street Champaign, Illinois 61820
Richard Lanyon Metropolitan Water Reclamation District 100 East Erie Street Chicago, Illinois 60611	Lisa Frede CICI 2250 E. Devon Avenue, Suite 239 Des Plaines, Illinois 60018
Abdul Khalique Metropolitan Water Reclamation District Of Greater Chicago 6001 W. Pershing Road Cicero, Illinois 60804	Jeffrey C. Fort Letissa Carver Reid Sonnenschein Nath & Rosenthal 8000 Sears Tower 233 South Wacker Drive Chicago, Illinois 60606-6404

DEPARTMENT OF PUBLIC WORKS
AND UTILITIES
815/724-4230
815/723-7770 FAX

CITY OF



JOLIET

150 WEST JEFFERSON STREET
JOLIET, ILLINOIS 60432-4158

September 8, 2005

Reply to: 921 E. Washington ST
Joliet, IL 60433

Mr. Roy M. Harsch
Gardner, Carton and Douglas, LLP
191 Wacker Drive, Suite 3700
Chicago, IL 60606

**Re: Revisions to Radium Water Quality Standards
Illinois Pollution Control Board Rulemaking
R04-21**

Dear Mr. Harsch:

Thank you for pointing out to me that Water Remediation Technology has filed a motion with the Illinois Pollution Control Board requesting to submit additional comments because Joliet did not disclose that information other than water quality sampling would be provided. It was my understanding that the extension of the public comment period until August 15, 2005 applied to all public comments, not specifically the data gathered in Joliet's sampling program. None of the others filing public comments disclosed to Joliet the information that would be included in their comments.

WRT also argues that Joliet did not provide the sampling data from the Metropolitan Water Reclamation District of Greater Chicago Lemont Plant by August 1, 2005. Joliet was not in possession of the data on August 1, 2005. The information was provided to Joliet in a letter dated August 3, 2005 and received in my office on August 5, 2005. I reviewed the data during the preparation of the final comments and it was included as a supplement to the data previously provided. It demonstrated that the plant does not discharge effluent that meets the 3.75 pico-curies per liter proposed standard.

Page 2
Mr. Roy Harsch
September 8, 2005

I would disagree with WRT that the issues of disagreement in the record are site-specific to Joliet and are not of general applicability. The data provided indicates that deep wells discharging to waste will create water quality violations that are generally applicable to all deep well communities. Other data indicates that some wastewater treatment plants are not capable of reliably meeting the proposed 3.75 pico-curies per liter standard and that those plants discharging to low flow streams may not be able to meet the standard on an annual average basis.

Please provide this information to the Illinois Pollution Control Board as a part of your response to the WRT motion.

Sincerely,



Dennis L. Duffield
Director of Public Works & Utilities