

BEFORE THE POLLUTION CONTROL BOARD
OF THE STATE OF ILLINOIS

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JUN 02 2004

STATE OF ILLINOIS
Pollution Control Board

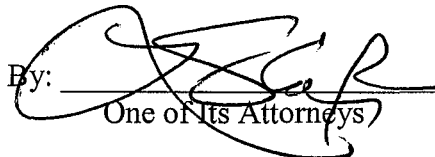
IN THE MATTER OF:)
)
REVISIONS TO RADIUM WATER)
QUALITY STANDARDS: PROPOSED) R04-21
NEW 35 ILL ADM CODE 302.307) Rulemaking - Water
AND AMENDMENTS TO 35 ILL ADM)
CODE 302.207 AND 302.525)

NOTICE OF FILING

To: See Attached Service list

PLEASE TAKE NOTICE that on June 2, 2004, we filed the Illinois Pollution Control Board the attached **MOTION FOR AN ADDITIONAL MERIT HEARING** on the proposal herein.

WRT Environmental (Illinois) LLC

By: 
One of Its Attorneys

Jeffrey C. Fort
Letissa Carver Reid
Sonnenschein Nath & Rosenthal LLP
8000 Sears Tower
233 S. Wacker Drive
Chicago, IL 60606-6404

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**BEFORE THE POLLUTION CONTROL BOARD
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MOTION FOR AN ADDITIONAL MERIT HEARING

WRT Environmental (Illinois), LLC and its related companies (collectively referred to herein as "WRT"), through its attorneys, Sonnenschein Nath & Rosenthal LLP, and pursuant to 35 Ill. Adm. Code 102.422(b) respectfully moves, the hearing officer or in the alternative the Board, for an additional merit hearing in the above-referenced matter. In support of its Motion, WRT states as follows:

1. WRT was established to aid municipalities in their efforts to provide safe drinking water, particularly with respect to the removal of radium and uranium as required by the United States Environmental Protection Agency's ("USEPA's") Radionuclide Rule. All radium or uranium removal processes generate radioactive residuals; however, many communities do not have the expertise for the safe handling, transportation and disposal of radioactive residuals. WRT's goal is to provide for the safe removal of the contaminate from the raw water supply, and to ensure the final disposal of the contaminate into a safe, secure and licensed disposal site.

2. WRT met with representatives of the Pollution Control Board in the fall 2003, and with the Illinois Environmental Protection Agency ("IEPA") and the Illinois

Emergency Management Agency ("IEMA") at that time and continuing from time to time in Winter and Spring 2004. The purpose of these meetings was to advise the relevant agencies of the benefits of the WRT System, with respect to the removal of radium from drinking water supplies in Illinois. Further, there were discussions with IEPA concerning the permitting of the technology as well as discussions about the pilot plants located in Illinois.

3. Despite these meetings the WRT System (or the existence of such technology) was not identified in this rulemaking. WRT has been materially prejudiced as WRT did not learn of this proceeding until Thursday, May 27, 2004 - less than one week ago.

4. WRT immediately retained counsel and has submitted comments and now submits this request for a further hearing on the merits of the proposal.

5. It is not practicable to present all of the information and evidence that is relevant to the effects relating to the proposed rule change in a submission of written comments. WRT requests an additional merit hearing so that it can adequately present evidence relating to: (1) the methods for treatment of radium from drinking water supplies in Illinois; (2) the handling and disposal of filtrate resulting from that treatment; and (3) the effects of radium on organisms other than humans, including relevant criteria established by the United States Department of Energy.

6. There is nothing contained in the transcripts or the exhibits in connection with this proceeding that bear on : (1) the technical feasibility of the proposal; (2) the

economic reasonableness of the proposal; (3) the environmental impact of the proposal; or (4) the infeasibility or unreasonableness of the existing standards.

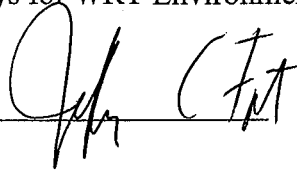
7. Among the issues that we submit should be addressed by this record are the following:

- (1) Does receipt by the POTW of radioactive residues from a radium treatment site require a modification of the wastewater permit?
- (2) Are wastewater plants required to monitor their sludge for radiation?
- (3) Have POTW workers been trained and informed about their occupational exposure?
- (4) Is there a provision for addressing radioactive contamination of the wastewater collection system?
- (5) Is there a forecast for radium concentration, on a dry weight basis, in the sewage sludge?
 - Does each wastewater plant have a forecast for required acreage to comply with land application rules for radium-laden sludge?
 - Does each wastewater plant have sufficient land to ensure long term operational viability?
- (6) Have POTWs agreed to accept this radioactive waste, and its related liability, in perpetuity?
- (7) Have leach studies been conducted on radium-laden sewage sludge to determine the risk of groundwater contamination?
- (8) Is the land owner/farmer going to be advised of the radium level in the sludge?
- (9) Are any restrictions (for crops or residential use) going to be placed on the land? How will these be monitored in perpetuity?

8. WRT submits that further hearings are necessary under Illinois law. A full and public hearing on these issues is in the public's interest.

Respectfully submitted,
Sonnenschein, Nath & Rosenthal LLP
Attorneys for WRT Environmental (Illinois), LLC

By _____

A handwritten signature in black ink, appearing to read "Jeffrey C. Fort", written over a horizontal line.

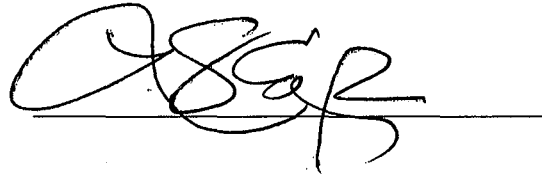
Dated: June 2, 2004

Jeffrey C. Fort
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CERTIFICATE OF SERVICE

The undersigned, an attorney, certify that I have served upon the individuals named on the attached Notice of Filing true and correct copies of the **MOTION FOR AN ADDITIONAL MERIT HEARING** by First Class Mail, postage prepaid on June 2, 2004 .

A handwritten signature in black ink, appearing to be "ASR", is written over a horizontal line.

SERVICE LIST

R04-21

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