



## OFFICE OF THE SECRETARY OF STATE

JESSE WHITE • Secretary of State

02/02/2006

POLLUTION CONTROL BOARD  
1021 North Grand Ave East  
Erin Conley  
SPRINGFIELD, IL 62702

**RECEIVED**  
CLERK'S OFFICE

FEB 14 2005

STATE OF ILLINOIS  
Pollution Control Board

Dear Erin Conley

Your rules Listed below met our codification standards and have been published in Volume 30, Issue 6 of the Illinois Register, dated 02/10/2006.

### AGENCY REFUSAL IN RESPONSE TO A STATEMENT OF OBJECTION

Effluent Standards

35 Ill. Adm. Code 304

Point Of Contact:Erin Conley

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If you have any questions, you may contact the Administrative Code Division at (217) 782 - 7017.

## POLLUTION CONTROL BOARD

NOTICE OF REFUSAL TO MODIFY TO MEET THE OBJECTION OF THE JOINT  
COMMITTEE ON ADMINISTRATIVE RULES

- 1) Heading of the Part Effluent Standards
- 2) Code Citation 35 Ill. Adm. Code 304
- 3) 

<u>Section Number</u>	<u>Action</u>
304.123	Refusal
- 4) Date Notice of Adopted Rules Published in the Register: February 3, 2006
- 5) Date JCAR Statement of Objection Published in the Register: December 30, 2005 at 29 Ill. Reg. 21175
- 6) Summary of Action Taken by the Agency:  
In its January 19, 2006 opinion in Docket R04-26 adopting interim phosphorus effluent standards, the Board respectfully disagreed that this rulemaking would impose an undue economic burden on the regulated community.

The Board continues to believe that, based on the cost information in the record coupled with the fact that the proposed rule applies to only new or expanding larger facilities, affected facilities can incorporate the additional cost of phosphorus control in their overall expansion plans with an economically reasonable impact. The interim limits will apply to only new or expanded discharges from wastewater treatment plants with either a design average flow over 1.0 million gallons per day receiving municipal or domestic waste water, or a total phosphorus effluent load of 25 pounds per day or more for treatment works other than those treating municipal or domestic wastewater. The 1.0 mg/L limit will not apply to a source that can demonstrate either that phosphorus is not the limiting nutrient in the receiving water or that alternative phosphorus effluent limits are warranted by the aquatic environment in the receiving water.

Thus, the Board finds that the implementation of the phosphorus effluent standard will not impose an undue economic or regulatory burden. Additionally, the record in this rulemaking amply demonstrates that control of phosphorus discharge from larger treatment plants will result in enhanced water quality in the state's receiving streams.

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