

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD **RECEIVED**
CLERK'S OFFICE

IN THE MATTER OF:)
PROPOSED AMENDMENTS TO)
DISSOLVED OXYGEN STANDARD)
35 ILL. ADM. CODE 302.206)

R04-25

JUN 08 2007

STATE OF ILLINOIS
Pollution Control Board

ORIGINAL
NOTICE

TO: Dorothy Gunn, Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 W. Randolph Street 11-500
Chicago, Illinois 60601
Via Overnight Mail

Richard McGill, Hearing Officer
Illinois Pollution Control Board
James R. Thompson Center
100 W. Randolph Street, Suite 11-500
Chicago, Illinois 60601
Via Overnight Mail

PC#110

SEE ATTACHED SERVICE LIST (via regular mail)

PLEASE TAKE NOTICE that I have filed with the Office of the Clerk of the Pollution Control Board the Illinois Environmental Protection Agency's Response to Dennis Streicher's Public Comment of April 24, 2007 on behalf of the Illinois Environmental Protection Agency, a copy of which is herewith served upon you.

Date: June 7, 2007

ILLINOIS ENVIRONMENTAL PROTECTION
AGENCY

By: *Stefanie N. Diers*
Stefanie N. Diers
Assistant Counsel
Division of Legal Counsel

1021 North Grand Avenue East
Springfield, Illinois 62794-9276
(217) 782-5544

THIS FILING IS SUBMITTED ON RECYCLED PAPER

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:
PROPOSED AMENDMENTS TO
DISSOLVED OXYGEN STANDARD
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**ILLINOIS EPA'S RESPONSE TO DENNIS STREICHER'S PUBLIC COMMENT
OF APRIL 24, 2007**

The Illinois Environmental Protection Agency ("Illinois EPA") hereby submits its response to Public Comments submitted by Dennis Streicher dated April 24, 2007. Illinois EPA states as follows:

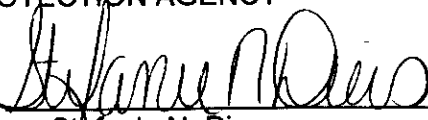
1. On May 7, 2007, Illinois EPA received a Motion to Leave to File a Comment Letter from Mr. Dennis Streicher dated April 24, 2007.
2. Mr. Streicher requests to submit additional data that consists of continuous dissolved oxygen measurements taken at ten Illinois stream locations during the summer and early fall of 2006. (See Streicher letter of April 24, 2007).
3. Mr. Streicher states that "the 2006 data further supports the IAWA proposed limits and in comparison are a better fit and generate fewer violations than the proposed joint IEPA and IDNR limits". Id.
4. Illinois EPA believes that Mr. Streicher has misinterpreted the 2006 data from the ten locations.
5. A review by Illinois EPA of the 2006 data from the ten locations indicates that Mr. Streicher's conclusion that IAWA's proposed dissolved oxygen standards are a "better fit" than the ones recommended by IDNR and Illinois EPA is neither supported by the 2006 results nor consistent with Dr. Garvey's summary statement. See Garvey letter dated April 10, 2007.

6. Despite the large number of individual dissolved oxygen observations available in the 2006 dataset, these observations predominantly are from impaired locations and therefore are not useful for evaluating the relative efficacy of the two sets of dissolved oxygen standards. The continuous monitoring in 2006 was not designed for the purpose of comparing the relative efficacy of two different sets of dissolved oxygen standards. To be valid, such comparisons must be based on a larger, more representative dataset from locations that are achieving their biological potential and thus more likely to be harboring their full complement of aquatic life.

7. Because eight of the ten locations likely were not meeting their biological potential during the summer of 2006, it is not unreasonable to expect violations of dissolved oxygen standards. It is not scientifically valid to interpret violations of the IDNR/Illinois EPA standards at these locations as a worse fit than the IAWA-proposed standards, which were also violated at most of these impaired locations.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

By: 
Stefanie N. Diers
Assistant Counsel
Division of Legal Counsel

June 7, 2007

1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

STATE OF ILLINOIS)
) SS.
COUNTY OF SANGAMON)

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STATE OF ILLINOIS
Pollution Control Board

PROOF OF SERVICE

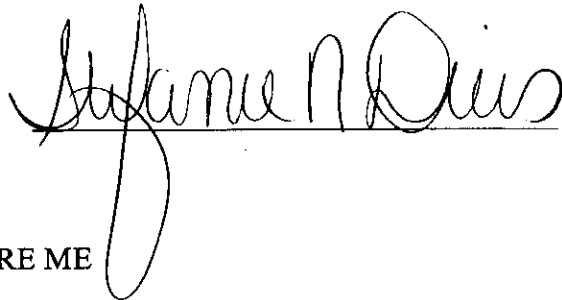
I, the undersigned, on oath state that I have served the attached Response to Dennis Streicher's Public Comment of April 24, 2007 Public Comments upon the person to whom it is directed, by placing it in an envelope addressed to:

TO: Dorothy Gunn, Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 W. Randolph Street 11-500
Chicago, Illinois 60601
Via overnight mail

Richard McGill, Hearing Officer
Illinois Pollution Control Board
James R. Thompson Center
100 W. Randolph Street, Suite 11-500
Chicago, Illinois 60601
Via overnight mail

SEE ATTACHED SERVICE LIST (via regular mail)

and mailing it First Class Mail from Springfield, Illinois on June 7, 2007, with sufficient postage affixed.



SUBSCRIBED AND SWORN TO BEFORE ME

this 7th day of June, 2007


Notary Public



THIS FILING IS SUBMITTED ON RECYCLED PAPER

Party Name	Role	City & State	Phone/Fax
Metropolitan Water Reclamation District Interested Party Michael G. Rosenberg, Esq. Louis Kollias, Acting Director of Research & Development	100 East Erie Street	Chicago IL 60611	312/751-6583 312/751-6598
Office of the Attorney General Interested Party Matthew J. Dunn	69 West Washington Street, Suite 1800	Chicago IL 60602	312/814-0660 312/814-2347
Illinois Environmental Protection Agency Respondent Deborah J. Williams Stefanie N. Diers, Assistant Counsel	1021 North Grand Avenue East P.O. Box 19276	Springfield IL 62794- 9276	217/782-5544 217/782-9807
DrinkerBiddleGardnerCarton Interested Party Roy M. Harsch Sheila H. Deely	191 N. Wacker Drive Suite 3700	Chicago IL 60606- 1698	312/569/1000 312/569-3000
Brown, Hay & Stephens LLP Interested Party Claire A. Manning	700 First Mercantile Bank Building 205 South Fifth St., P.O. Box 2459	Springfield IL 62705- 2459	217/544-8491 217/241-3111
Hodge Dwyer Zeman Interested Party Katherine D. Hodge	3150 Roland Avenue Post Office Box 5776	Springfield IL 62705- 5776	217/523-4900 217/523-4948
City of Geneva Interested Party John Donahue	22 South First Street	Geneva IL 60134- 2203	630/232-7494 630/232-1494
Illinois Environmental Regulatory Group Interested Party N. LaDonna Driver	3150 Roland Avenue	Springfield IL 62703	217/523-4942 217/523-4948
Metropolitan Water Reclamation District Interested Party Bernard Sawyer	6001 W. Pershing Rd.	Cicero IL 60650- 4112	
Chemical Industry Council of Illinois Interested Party Lisa Frede	2250 E. Devon Avenue Suite 239	DesPlaines IL 60018- 4509	
Thorn Creek Basin Sanitary District Interested Party James L. Daugherty, District Manger	700 West End Avenue	Chicago Heights IL 60411	708/754-0525 708/754-3940
American Water Company Interested Party Tracy Elzemeyer, General Counsel	727 Craig Road	St. Louis MO 63141	314/996-2348 314/997-2451
Hedinger Law Office Interested Party Margaret P. Howard	2601 South Fifth Street	Springfield IL 62703	217/523-2753 217/523-4366

<u>Vermilion Coal Company</u> Interested Party Frederick D. Keady, P.E., President	1979 Johns Drive	Glenview IL 60025	847/832-9007 847/832-9010
<u>Fred L. Hubbard</u> Interested Party *	16 West Madison P.O. Box 12	Danville IL 61834	217/446-0144 217/477-0573
<u>Blackwell Sanders Peper Martin LLP</u> Interested Party W.C. Blanton	4801 Main Street Suite 1000	Kansas City MO 64112	816/983-8000 816/983-9151
<u>Illinois Pollution Control Board</u> Interested Party Dorothy M. Gunn, Clerk of the Board Richard McGill, Hearing Officer	100 W. Randolph St. Suite 11-500	Chicago IL 60601	312/814-3620 312/814-3669
<u>City of Joliet, Department of Public Works and Utilities</u> Interested Party Dennis L. Duffield, Director of Public Works and Utilities	921 E. Washington Street	Joliet IL 60431	815-724-4230
<u>Bloomington Normal Water Reclamation District</u> Interested Party	PO Box 3307	Bloomington IL 61702-3307	
<u>Downers Grove Sanitary District</u> Interested Party Nicholas J. Menninga	2710 Curtiss Street	Downers Grove IL 60515	
<u>Fox Metro Water Reclamation District</u> Interested Party Tom Muth	682 State Route 31	Oswego IL 60543	
<u>Illinois Department of Natural Resources</u> Interested Party Stanley Yonkauski William Richardson, Chief Legal Counsel	One Natural Resources Way	Springfield IL 62702-1271	217/782-1809 217/524-9640
<u>Barnes & Thornburg</u> Interested Party Erika K. Powers	1 N. Wacker, Suite 4400	Chicago IL 60606	312/357-1313
<u>Environmental Law & Policy Center</u> Interested Party Albert Ettinger, Senior Staff Attorney	35 E. Wacker Suite 1300	Chicago IL 60601	312 795 3707
<u>Friends of the Chicago River</u> Interested Party Todd Main, Director of Policy and Planning	407 S. Dearborn, Suite 1580	Chicago IL 60605	312/939-0490
<u>Evanston Environment Board</u> Interested Party Vicky McKinley	223 Grey Avenue	Evanston IL 60202	
<u>Office of Lt. Governor Pat Quinn</u> Interested Party Marc Miller, Senior Policy Advisor	Room 214 State House	Springfield IL 62706	217-782-7884
<u>Ecological Monitoring and Assessment</u> Interested Party Irwin Polls	3206 Maple Leaf Drive	Glenview IL 60025	847-564-9905
Dr. Thomas J. Murphy		Chicago	

2325 N. Clifton
Street Chicago, IL 60614