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IN THE MATTER OF:

PROPOSED AMENDMENTS TO: 35 III. Adm. Code 302.102(b)(6), 302.102(b)(8) 302.102(b)(10), 302.208(g), 309.103(c)(3), 405.109(b)(2)(A), 405.109(b)(2)(B), 406.100((d) REPEALED 35 III. Adm. Code 406.203 Part 407, and PROPOSED NEW 35 III. Adm. Code 302.208(h)



RECEIVED CLERK'S OFFICE

NOTICE OF FILING

TO: See Attached Service List

PLEASE TAKE NOTICE that the Environmental Law and Policy Center of the

Midwest ("ELPC"), Prairie Rivers Network and the Sierra Club today have filed the

attached SECOND NOTICE COMMENTS OF PRAIRIE RIVERS NETWORK,

SIERRA CLUB AND THE ENVIRONMENTAL LAW & POLICY CENTER.

Respectfully submitted,

Albert F. Ettinger (Reg. No. 3125045) Counsel for Environmental Law & Policy Center, Prairie Rivers Network and Sierra Club

DATED: June 2, 2008



JUN 0 2 2008

RECEIVED CLERK'S OFFICE

I, the undersigned, on oath state that I have served the attached SEC STATE OF ILLINOIS NOTICE COMMENTS OF PRAIRIE RIVERS NETWORK, SIERRA CLUBING GOTTO Board ENVIRONMENTAL LAW & POLICY CENTER upon the persons listed in the attached service list via U.S. Mail.

Respectfully submitted,

Albert F. Ettinger (Reg. No. 3125045) Counsel for Environmental Law & Policy Center, Prairie Rivers Network and Sierra Club

DATED: June 2, 2008

SERVICE LIST- R07-009

Dorothy Gunn, Clerk Illinois Pollution Control Board 100 W. Randolph St. Suite 11-500

Mathew Dunn Illinois Attorney General's Office Environmental Control Division James R. Thompson Center 100 West Randolph Street Chicago, IL 60601

Sanjay K. Sofat, Assistant Counsel <u>Illinois Environmental Protection Agency</u> 1021 North Grand Avenue East P.O. Box 19276 Springfield, IL 62794-9276 Marie Tipsord, Hearing Officer Illinois Pollution Control Board 100 W. Randolph St. Suite 11-500

Jonathan Furr IDNR One Natural Resources Way Springfield, IL 62701-1271

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD CLERK'S OFFICE

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IN THE MATTER OF:

PROPOSED AMENDMENTS TO: 35 III. Adm. Code 302.102(b)(6), 302.102(b)(8) 302.102(b)(10), 302.208(g), 309.103(c)(3), 405.109(b)(2)(A), 405.109(b)(2)(B), 406.100((d) REPEALED 35 III. Adm. Code 406.203 Part 407, and PROPOSED NEW 35 III. Adm. Code 302.208(h) JUN 0 2 2008

STATE OF ILLINOIS Pollution Control Board

R07-009 Rulemaking – Water

SECOND NOTICE COMMENTS OF PRAIRIE RIVERS NETWORK, SIERRA CLUB AND THE ENVIRONMENTAL LAW & POLICY CENTER

Prairie Rivers Network, the Illinois Chapter of the Sierra Club and the Environmental Law & Policy Center hereby comment on the Proposed Second Notice in the matter of Triennial Review of Sulfate and Total Dissolved Solids Water Quality Standards (Rulemaking R07-09).

The Second Notice proposal contains two changes to the language proposed in the First Notice. We believe that the second of the two changes should be reworked slightly.

1). Calculating a sulfate standard when chloride levels exceed the 500 mg/L standard

We thank the board for addressing our concerns by modifying the Agency's proposed language for Section 302.208(h)(3)(C) to describe how a sulfate standard would be determined for waters where chloride levels exceed the 500 mg/L water quality criterion. While we do not fully agree with the United States Environmental Protection Agency's objection to the First Notice language, the modified language contained in the Second Notice also addresses our concerns.

2). Calculating mixing zones when the dilution ratio in receiving waters is less than 3:1

The Board's First Notice modification of the Agency's proposal for 301.102(b)(8), which codified the Agency's practice for calculating mixing zones in certain cases, addressed our concerns. Unfortunately, the Revised Second Notice language, while giving the Agency flexibility it requested, will not cure the problems we pointed out during the hearing.

In fact, in our experience it is very rare for IEPA in permit writing actually to demarcate a mixing zone or determine zones of passage. Normally permit writers simply assume that there will be a zone of passage equivalent to the dilution ratio and apply the existing rule to mean that 25% of the critical low flow (normally the low 7q10 flow) should be used in calculation of water quality based effluent limits. For example, if the low flow of the receiving stream is 92 cubic feet per second (cfs), it is assumed that 23 cfs is "available for dilution." (see, attached example ammonia worksheet for McHenry South permit) As a practical matter, it is even more unlikely

that IEPA will take steps in permit writing to demarcate a zone of passage in the small streams that often will be the subject of this provision.

Accordingly, we suggest the following compromise language for the final change to the existing rule:

The area and volume in which mixing occurs, alone or in combination with other areas and volumes of mixing must not contain more than 25% of the cross-sectional area or volume of flow of a stream except for those streams where the dilution ratio is less than 3:1. In streams where the dilution ratio is less than 3:1, the volume in which mixing occurs, alone or in combination with other volumes of mixing must not contain more than 50% of the volume flow unless it is demonstrated in the record that an adequate zone of passage has been provided in compliance with Section 302.102(b)(6). Mixing is not allowed in receiving waters which have a zero minimum seven day low flow which occurs once in ten years.

This compromise language would provide some flexibility to the Agency but would not generally allow the Agency to assume that there will be a zone of passage in cases in which the discharge is more than 50% of the volume of flow.

Respectfully submitted,

Shi Colhi

Glynnis Collins Watershed Scientist Prairie Rivers Network

Albert Ettinger Senior Staff Attorney Environmental Law & Policy Center

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Cynthia Skrukrud Clean Water Advocate Sierra Club, Illinois Chapter

May 30, 2008

		_						14	LINOIS	2018	2000
	Ammonia Worksheet 80									ENVIRO	•••••3 <i>ζ</i>
Discharger: <u>N</u>	IcHenry - S	outh Expanded i	Facility		NPDES	iL0066257	Date:	12/3/03	·/wpc,	PEPLAG	MENTA
Receiving Stream (BSC	rating):	Fox River (C)								MIT SE	SNCY CTION
C	alculation	of the total amm	onia (as N)	water quali	ty standar						.0//
pH and tempera	ture values	used in calculat	ion		Total am	monia (as N) v	water qua	lity standard			
	pH	75.5 % it-	temp			Chronic	C (75th #/#-)	Acute			
Soring/Fall	8.31	8.59	/5tm %/ne 18.8		Spring/Fa	(50m %100) N 1.1	(/om/%///e) 0.7	(/51h %//e) 2,7			
Summer	8.42	8.49	25.8		Summer	0.6	0.5	3.3			
Winter	8.05	8.36	5.8		Winter	3.7	2.2	4.2			
		Data Source:	AWQMN s Bridge, for	tation, DT-2 the dates Ja	2, Fox Rive an. 1997 to	r, at Burton's Dec. 2001.					
recommended water o Spring/Fall constists of Summer consists of Ju Winter consists of Nov	uality based lin March - May, Ine - August, ember - Febru	nits for ammonia are (September - October ary.	derived pursua	nt to methodola	gies outlined	al 35 IAC Pari 355	5.				
		Chronic Was Ce= [Cds(Qus	iteload Allo i+Qe}-CusC	cation lus] / Qe							
Effluent Flow (Qe):	2.3	2 cfs	DAF (1.5	MGD)							
Upstream 7Q10:	9	2 cfs	Source:	ISWS map	of the Nort	heastern Regi	on.				
7Q10 for dilution (Qus):	2	3 cfs									
spring/fall	0.06	6 mg/L	Source:	AWQMN s	tation, DT-3	35, Fox River, a	at Wiscons	in State Line,			
summer	0.07	3 mg/L		for the cala	andar years	1994, 1995, 1	996, 2000	and 2001.			
winter	0.18	5 mg/L									
wasteload a	llocation:	spring/fall	7.1	mg/L	(based or	75th percentil	e pH and r	nixing)			
		summer	5.1	mg/L	(based or	75th percentil	e pH and r	nixing)			
		winter	22.6	mg/L	(based or	i /otn percentii	e pH and (nixing)			
Note: Chronic wasteload allo	cations are ca	culated using a stead	y-state mass t	alance approac	ch and proced	ures found at 35 l/	AC 355.203.				
		Acute Wast Ce= S(C	teload Allo Cds-Cus)+C	cation us							
		E76	- 4								
diameter of outfall pipe	(d):	1.17	7 ft.	wasteload	allocation:	spring/fall	9.4	9 mg/L			
maximum ZID radius (x)	c.	14.375	ft.			summer	11.	ng/L			
S = 0.3 (x/d) =		3.685897436	5			winter	15.0	9 mg/L			
Note: Acute wasteload alloc	ations are dele	rmined using the jet-ri	nomentum equ	ation found in U	JSEPA's Tech	nical Support Doc	ument for				
predicting near-field m	iixing characlei	nstics Outfail pipe di	ameters are ba	ised on Mannin	g's equation a	ind n≠0 013				c.	
WQBELs Recomm	nended:	Daily Maxir	num:	spring/fail	9.1	8 mg/L					
				summer	11.	bimg/L Diana/I					
				winter	13.	e mg/L					
		30-dav Ave	rage:	sprino/fal	ı 1 .	5 mg/L**					
				summer	1.	5 mg/L**					
				winter	4.	0 mg/L**					
		Maria - A		a anti-		A					
		Weekiy AV	eragen:	spring/fal	(N/// 	nsmg/∟ Alme#					
				summer winter	N//	n mg/L A mg/l					
				WITTE		- mg/c					
* Note: Weekly averag	e limits are t	based on the sub	chronic stan	dard which is	s defined a	s 2.5 times the	chronic				