

ILLINOIS POLLUTION CONTROL BOARD  
April 24, 1975

IN THE MATTER OF )  
NATIONAL POLLUTANT DISCHARGE ) R73-11 & 12  
ELIMINATION SYSTEM REGULATIONS )  
)

OPINION AND ORDER OF THE BOARD (by Mr. Dumelle):

The Environmental Protection Agency (Agency) on December 21, 1974 requested that the Board amend Rule 952 of Chapter 3 of the Pollution Control Board Regulation, Operation Permits; New or Modified Treatment Works, Sewers, Waste Water, Sources. The existing Rule 952(b) suspended the requirement for an Operating Permit for any treatment works or wastewater source for which an NPDES Permit is required...from the effective date of this Subpart B of the earlier of either: (1) January 31, 1975 or (2) the date of the final determination by the Administrator pursuant to Section 402(c) of the FWPCA that the state's NPDES Permit program does not meet the requirements of Section 402(b) or does not conform to the guidelines issued under Section 304(h)(2) of the FWPCA." The Agency proposes to replace the January 31, 1975 with June 30, 1975 and to include "only that portion of" as restriction on those treatment works or wastewater sources for which an NPDES Permit is required and for which an Operating Permit is not required.

On January 9, 1975, the Board authorized the Agency proposed change for publication and public comment. The proposal was published in Environmental Register #97 on January 28, 1975. The public comment period extended until March 4, 1975. The Board received favorable comments from Olin Brass, The Metropolitan Sanitary District of Greater Chicago (MSDGC) and the Illinois Manufacturers Association. Citizens for a Better Environment submitted a public comment in opposition to the proposal.

When the Board enacted the NPDES Regulations, the Board kept the record open to consider minor modifications such as this proposal by the Agency. In the Opinion which the Board published on December 5, 1974, accompanying the adoption of the NPDES Rules, the Board stated that purpose for the original suspension of the Operating Permit requirement was to "provide a relief from the dual permit system and to allow the Agency to concentrate its resources in the certification and drafting of NPDES Permits for final issuance by the U.S. Environmental Protection Agency" (U.S. EPA). At the present

time the Agency is preparing to make a formal submittal of the Illinois NPDES Permit program to the U.S. EPA. A letter from the Director of the Agency received by the Board on March 6, 1975, lists three major steps which the U.S. EPA felt remained before a final submission could be given due consideration by the U.S. EPA. These were the preparation of a statement by the Illinois Attorney General that the state had the authority to adopt the NPDES Permit program, the preparation and submittal to the U.S. EPA of a Continuous Planning Process and U.S. EPA objections concerning waiver provisions in the Memorandum of Agreement between U.S. EPA and the Agency. The Illinois Environmental Protection Agency is currently conducting public hearings on a state program plan for 1976 which includes a proposed Continuous Planning Process. The Attorney General has prepared a draft Attorney General statement.

Because it appears to the Board that a submittal and ultimate approval of the Illinois NPDES Permit program will be forthcoming, and because the Board does not desire to continue a dual permit program, the Board has decided to grant the Agency's proposed revision to include the June 30, 1975 date.

The Agency's proposed limitation of "only that portion of" to those treatment works and waste water sources for which an NPDES Permit is required was objected by the MSDGC. The MSDGC stated that NPDES Permits are all inclusive and that the Agency should not require Operating Permits for portions of facilities for which NPDES Permits are required. The Board feels that the Agency's suggested language is a clarification of the intent to suspend the state Operating Permit requirement for only those facilities for which an NPDES Permit is required. For this reason the Board has decided to adopt the Agency's proposed limitation.

#### ORDER

Rule 952(B) of Chapter 3 of the Pollution Control Board Regulations is hereby amended to read:

However, the requirement for an Operating Permit for only that portion of any treatment works or wastewater source for which an NPDES Permit is required shall be suspended from the effective date of this Subpart B until the earlier of either:

- 1) June 30, 1975, or

2) The date of a final determination by the Administrator, pursuant to Section 402(c) of the FWPCA, that the State's NPDES Permit program does not meet the requirements of Section 402(b) or does not conform to the guidelines issued under Section 304(h)(2) of the FWPCA.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 24<sup>th</sup> day of April, 1975 by a vote of 4-0.



Christan L. Moffett, Clerk  
Illinois Pollution Control Board