

ILLINOIS POLLUTION CONTROL BOARD

May 15, 1997

IN THE MATTER OF: )  
)  
CONFORMING AMENDMENTS FOR THE ) R 97-25  
GREAT LAKES INITIATIVE: 35 ILL. ) (Rulemaking - Water)  
ADM. CODE 302.101, 302.105, )  
302.SUBPART E 303.443 AND 304.222 )

ORDER OF THE BOARD (by G.T. Girard, C. A. Manning, J. Yi):

On April 30, 1997 the Illinois Environmental Protection Agency (IEPA) filed a motion asking that the Board "Accelerate Hearing Schedule" in the Board's Great Lakes Initiative rulemaking. Specifically, the IEPA asked the Board adopt a tentative schedule for completion of this rulemaking which would include publishing a First Notice as soon as possible after the first hearing (scheduled for May 19, 1997) and rescheduling the second hearing (scheduled for July 28, 1997) to an earlier date. The IEPA requests this acceleration because of a letter it received from the United States Environmental Protection Agency (USEPA) on April 1, 1997. The letter asked for a "schedule... including key milestones, for completing the State's adoption process" in this matter. For the following reasons, the Board grants the IEPA's motion in part and denies it in part.

While the Board recognizes and respects the federal desire to complete this rulemaking in timely fashion, the Board notes the following. The IEPA filed this rulemaking proposal with the Board on March 21, 1997, only two days before the established federal guideline for its completion. Specifically, the USEPA's Final Guidance regarding the Great Lakes Water Quality Initiative, which drives this rulemaking, was published on March 23, 1995 and required completion within two years. The IEPA has used the entire two year period generating a rulemaking proposal to submit to the Board and now requests Board expedience. However, the environmental rulemaking process in Illinois mandates compliance with various public notice, time and legislative review requirements found in the Illinois Environmental Protection Act (415 ILCS 5/1 *et seq.* (1994)) and the Illinois Administrative Procedures Act (5 ILCS 100/5-5 *et seq.* (1994)). To conform with these statutory requirements, and allow for adequate public participation, this rulemaking process generally takes nine months from the time a rulemaking proposal is filed with the Board.

In our April 3, 1997 order, the Board stated its commitment to completing this rulemaking as soon as possible. To reach that goal, the Board will adopt a substantive first notice opinion and order as soon as possible after the May 19, 1997 hearing. The Board will target June 19, 1997 as the date to proceed to first notice in this rulemaking. The targeted schedule for the completion of this rulemaking, based on first notice on June 19, 1997 is:

First Hearing	May 19, 1997
First Notice Order	June 19, 1997
Second Hearing	July 28, 1997

End of First Notice  
Second Notice  
Final Adoption

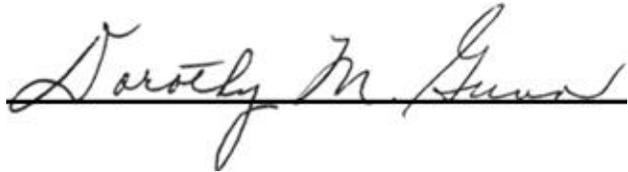
August 21, 1997  
September 18, 1997  
November 6, 1997

As the above schedule reflects, the Board does not accept the IEPA's suggestion to reschedule the July 28 hearing. Because of statutory timeframes, moving that hearing forward into June will not materially effect the completion schedule of this rulemaking; rather, it could adversely effect the public's participation in this proceeding. In particular, the July 28, 1997 hearing will allow the public sufficient time to review the Board's first notice opinion and offer comment or testimony as necessary.

IT IS SO ORDERED.

Board member Kathleen M. Hennessey abstains.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the 15th day of May, 1997, by a vote of 5-0.

A handwritten signature in cursive script, reading "Dorothy M. Gunn", written over a solid horizontal line.

Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board