

ILLINOIS POLLUTION CONTROL BOARD

January 6, 2011

IN THE MATTER OF: )  
)  
WATER QUALITY STANDARDS AND ) R08-9 (Subdocket B)  
EFFLUENT LIMITATIONS FOR THE ) (Rulemaking - Water)  
CHICAGO AREA WATERWAY SYSTEM )  
AND LOWER DES PLAINES RIVER )  
PROPOSED AMENDMENTS TO 35 ILL. )  
ADM. CODE 301, 302, 303, and 304 )

ORDER OF THE BOARD (by G.T. Girard):

On December 17, 2010, Environmental Law and Policy Center, Friends of the Chicago River, Sierra Club Illinois Chapter, Natural Resources Defense Council and Openlands (Environmental Groups) filed a motion asking the Board to allow participants to respond to comments filed by the December 31, 2010 public comment filing deadline. On December 21, 2010, the Metropolitan Water Reclamation District of Greater Chicago (District) filed a response to the motion along with an emergency motion to extend final comment date. On December 22, 2010, the Environmental Groups filed a response to the emergency motion, which withdrew the December 17, 2010 motion (Resp.). Also on December 22, 2010, the District filed a reply to the response to the emergency motion (Reply). The Board will allow the reply although not accompanied by a motion for leave.

On August 5, 2010, the Board entered an order allowing additional hearings to be held in this subdocket, but also directing the hearing officer to schedule final comments in this matter expeditiously, but in no event to conclude later than December 31, 2010. Specifically, the Environmental Groups ask in their motion that the Board allow responses to any new information that might be filed by the District on the December 31, 2010 deadline. The Environmental Groups ask that responses be filed by January 31, 2011. The District sought to have additional time to file final comments after the January 31, 2011, requested filing date. The District sought to have final comments due by February 15, 2011. The District filed this request as an emergency motion asking for a ruling before December 31, 2010.

In response to the emergency motion, the Environmental Groups withdrew their motion and noted that if there is a need to respond to any new information provided by the District, a motion would be filed. Resp. at 2. In reply the District indicated that new information would be filed by the District on January 3, 2011<sup>1</sup>, and prior to the Environmental Groups' filing of the motion, the District intended to file final comments. Reply at 1. However, because the Environmental Groups sought to keep the record open until January 31, 2011, the District seeks additional time to file final comments. Reply at 2.

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<sup>1</sup> December 31, 2010 was an Illinois State Holiday and thus January 3, 2011 was the filing deadline. See 35 Ill. Adm. Code 101.300

Because of the representations made in the filings by both the Environmental Groups and the District, the Board found no need to respond to the motions prior to the December 31, 2010 comment deadline. The Board has briefly examined the materials provided by all commentors and the Board agrees that additional time is warranted because of the new information provided. Therefore, to avoid any delay that would be necessitated by the filing of new motions, the Board will allow responses to final comments to be filed by January 31, 2011 and replies to be filed by February 15, 2011. The Board's mailbox rule does not apply. *See* 35 Ill. Adm. Code 101.300(c).

IT IS SO ORDERED.

I, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on January 6, 2011, by a vote of 5-0.

A handwritten signature in black ink that reads "John T. Therriault". The signature is written in a cursive style with a long horizontal flourish extending to the right.

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John T. Therriault, Assistant Clerk  
Illinois Pollution Control Board