

ILLINOIS POLLUTION CONTROL BOARD

August 16, 2011

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STATE OF ILLINOIS
Pollution Control Board

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)	

NOTICE OF HEARINGS

DATES, TIMES, AND PLACE:

October 27, 2011

11 a.m.
Room 2-025
James R. Thompson Center
100 W. Randolph
Chicago, IL

PURPOSE OF HEARINGS:	Economic
ATTENDING BOARD MEMBER:	G. Tanner Girard
HEARING OFFICER:	Marie E. Tipsord

HEARING OFFICER ORDER

On July 7, 2011, the Board adopted a first notice opinion and order in this Subdocket. The Board's rule proposes establishing an effluent limit of 400 fecal coliforms colony forming units (CFU) per 100 mL from March 1 through November 30 for effluent discharges to Primary Contact Recreation Use water segments of the Chicago Area Waterway System (CAWS). Those segments are 1) Lower North Shore Channel from North Side Water Reclamation Plant to confluence with North Branch of the Chicago River; 2) North Branch of the Chicago River from its confluence with North Shore Channel to its confluence with South Branch of the Chicago River and Chicago River; 3) Chicago River; 4) South Branch of the Chicago River; 5) Little Calumet River from its confluence with Calumet River and Grand Calumet River to its confluence with Calumet-Sag Channel; and 6) Calumet-Sag Channel. The Board's opinion and order found that the rule proposed is economically reasonable and technically feasible.

The Board declined to establish an effluent limit for other segments of the CAWS and Lower Des Plaines River (LDPR) that are designated as Incidental Contact Recreation Use, Non-contact Recreation Use, and Non-Recreation Use waters. The Board also declined to adopt

In compliance with the Americans with Disabilities Act and other applicable federal and State laws, the hearing will be accessible to individuals with disabilities. Persons requiring auxiliary aids and services should contact John Theriault, Assistant Clerk of the Board, at 100 West Randolph St., Suite 11-500, Chicago, Illinois 60601, at telephone number 312/814-6931, fax number 312/814-3669, or TDD number 312/814-6032, five days prior to the hearing.

bacterial water quality standards for the Chicago Area Waterway System and Lower Des Plaines River, but invited participants to comment on whether the Board should adopt the existing General Use fecal coliform water quality standard for Primary Contact Recreation waters of the CAWS. Further, the Board invited participants to file a proposal to address bacterial water quality standards for all waters of CAWS and LDPR after USEPA issues new guidelines in 2012 for establishing such standards.

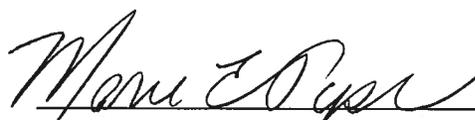
The first notice was published in the *Illinois Register* on July 29, 2011. See 35 Ill. Reg. 12634 (Jul. 29, 2011). A minimum 45 day public comment period is required. However as the Board must hold a hearing under Section 27(b) of the Environmental Protection Act (Act) (415 ILCS 5/27(b) (2010)) as described below, the Board will close the first notice public comment period on November 10, 2011. The mailbox rule does not apply to the final comments. See 35 Ill. Adm. Code 101.300.

This hearing is scheduled for the sole purpose of fulfilling the statutory obligations under Section 27(b) of the Environmental Protection Act (Act) (415 ILCS 5/27(b) (2010)). Section 27(b) of the Act requires the Board to request the Department of Commerce and Economic Opportunity to conduct an economic impact study on certain proposed rules prior to adoption of those rules. If DCEO chooses to conduct the economic impact study, DCEO has 30 to 45 days after such request to produce a study of the economic impact of the proposed rules. The Board must then make the economic impact study, or DCEO's explanation for not conducting the study, available to the public at least 20 days before a public hearing on the economic impact of the proposed rules. The Board sent to DCEO the request on July 7, 2011. The Board has not yet received a response from DCEO.

The Board will hear testimony on DCEO's decision and only on DCEO's decision.

All filings in this proceeding will be available on the Board's web page at www.ipcb.state.il.us and participants may file electronically on the Board's web page. The prefiled testimony and questions must be served on the persons on the service list, except it is not necessary to serve the hearing officer with the prefiled testimony and questions for these hearings.

IT IS SO ORDERED.



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