

ILLINOIS POLLUTION CONTROL BOARD

June 4, 2015

IN THE MATTER OF:)
)
WATER POLLUTION: PROPOSED) R15-24
AMENDMENTS TO 35 ILL. ADM.) (Rulemaking - Water)
CODE PART 309)
)

ORDER OF THE BOARD (by D. Glosser):

On June 1, 2015, the Illinois Environmental Protection Agency (Agency) filed a proposal to amend Part 309 of the Board’s water pollution regulations (35 Ill. Adm. Code 309). Accompanying the proposal were a statement of reasons (SR) and a motion for acceptance of the proposal. *See* 35 Ill. Adm. Code 102.202 (Proposal Contents for Regulations of General Applicability).

The Agency states that the proposed amendments relate to (1) Part 309, Subpart A, Section 309.104 (35 Ill. Adm. Code 309.104); and (2) Part 309, Subpart B (35 Ill. Adm. Code 309, Subpart B). SR at 1. According to the Agency, one purpose of the proposed amendments to Section 309.104, which imposes requirements for renewal of National Pollutant Discharge Elimination (NPDES) permits, is to update the regulations to “model federal regulations at 40 C.F.R. 122.6 and 122.21(d).” SR at 6. The second purpose, the Agency adds, is “to give the Agency flexibility when a [permit] renewal application has been filed late for just causes”; the amendments would allow the Agency to grant permission for a permit holder to submit an NPDES permit renewal application less than 180 days before the permit is to expire. SR at 6.

Part 309, Subpart B includes the “basic rules” for the issuance of permits for construction, modification, and operation of treatment works, pretreatment works, sewers, wastewater sources, and other discharges that are not required to have an NPDES permit. SR at 9. The Agency asserts that the proposed amendments to this subpart generally are intended to clarify, “clean up,” and streamline the rules, although they also include limited substantive new proposals such as a provision allowing lifetime operating permits for specified pretreatment works or wastewater sources. SR at 9-15.

The Agency maintains that the proposed amendments would “lessen the administrative and regulatory burden[s] on certain types of discharges and facilities” by clarifying and streamlining permitting and related requirements. SR at 15. Accordingly, the Agency adds, the proposed rules would “not result in a negative economic impact to regulated facilities.” SR at 15.

The Board finds that the Agency has satisfied the content requirements of Section 102.202 of its procedural rules (35 Ill. Adm. Code 102.202), and therefore grants the motion for

acceptance and accepts the Agency's proposal for hearing. The Board directs the hearing officer to schedule and proceed to hearing under the rulemaking provisions of the Environmental Protection Act (415 ILCS 5/27, 28 (2014)) and the Board's procedural rules (35 Ill. Adm. Code 102). After conducting hearings on the proposal, the Board will determine whether to proceed to first notice.

IT IS SO ORDERED.

I, John T. Therriault, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on June 4, 2015, 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.

John T. Therriault, Clerk
Illinois Pollution Control Board