

ILLINOIS POLLUTION CONTROL BOARD

August 24, 2017

IN THE MATTER OF: )  
)  
REGULATORY RELIEF MECHANISMS: ) R18-18  
PROPOSED NEW 35 ILL. ADM. CODE ) (Rulemaking – Procedural)  
PART 104, SUBPART E )

**NOTICE OF HEARING**

DATES, TIMES, AND PLACES:

October 10, 2017, to be continued, if necessary to October 11, 2017

9:00 a.m.  
Room 9-040  
100 W. Randolph  
James R. Thompson Center  
Chicago, IL 60601

October 11, 2017, if necessary

9:00 a.m.  
Room N-505  
160 N. LaSalle Str  
Michael A. Bilandic Building  
Chicago, IL 60601

PURPOSE OF HEARINGS: Merit and Economic

ATTENDING BOARD MEMBERS: Carrie K. Zalewski

HEARING OFFICER: Marie E. Tipsord

## **HEARING OFFICER ORDER**

On August 9, 2017, the Illinois Environmental Protection Agency (IEPA) filed amendments to the Board's procedural rules. IEPA proposes to add subpart E to 35 Ill. Adm. Code 104 (Regulatory Relief Mechanism). The proposal addresses time limited water quality standards (TLWQS)—a new mechanism for regulatory relief recently enacted in Public Act 99-937. The proposal's accompanying documents included IEPA's Statement of Reasons (SR). *See* 35 Ill. Adm. Code 102.202(b).

Public Act 99-937, effective February 24, 2017, amends the Environmental Protection Act (Act) (415 ILCS 5/38.5 (2016)) to allow the Board issue TLWQS. TLWQS are federally approvable water quality standard variances consistent with federal rules. Before the Public Act 99-937 was enacted, the Act allowed only individual dischargers to obtain a variance. Under the Public Act 99-937, multiple dischargers as well as single dischargers may seek a TLWQS. SR at 6. TLWQS may also address standards in a waterbody, waterbody segment, or a watershed. *Id.* IEPA's proposal sets forth the procedures necessary for the Board to consider and to adopt TLWQS pursuant to Public Act 99-0937. *Id.*

Today's order sets the dates for the hearing and the prefiling deadlines. The hearing is scheduled to begin on October 10, 2017, and will begin with IEPA's testimony and questions to the IEPA. After the conclusion of IEPA's testimony, any other person that prefiles testimony will be allowed to testify. If time permits, at the conclusion of the prefiled testimony and questions, the Board will allow for testimony and public comments on the record.

Testimony, if any, must be prefiled by September 11, 2017. Prefiled questions based on that testimony must be filed by October 2, 2017. The mailbox rule does not apply to either of these filings. *See* 35 Ill. Adm. Code 101.300.

### **Service and Notice Lists**

The hearing officer established and will maintain both a Notice List and Service List for this proceeding. *See* 35 Ill. Adm. Code 102.422(a), (b). The Notice List includes participants who wish to receive only the Board's opinions and orders and hearing officer orders. 35 Ill. Adm. Code 102.422(a). The Service List includes participants who expect to participate more actively and wish also to receive other filings such as pre-filed testimony and questions. *See* 35 Ill. Adm. Code 102.422(b).

Note that any interested person may request electronic notice of filings by providing an electronic mail address through COOL under this docket number R18-18. This electronic notice includes notice of filing of documents that are not typically provided to persons on the Notice List. In addition, COOL provides links to documents filed with the Board, and those documents can be viewed, downloaded, and printed free of charge as soon as they are posted to the Board's website at [www.ipcb.state.il.us](http://www.ipcb.state.il.us).

IT IS SO ORDERED.



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