

Specifically, in count II, the People amend the chart of exceeded water quality standards in paragraph 27 to indicate that Rule 203(f) applies to discharges of iron and Rule 204(b) applies to the other discharges of inorganic compounds for violations that occurred between May 17, 1979 to June 22, 1982. Additionally, the People indicate that Section 302.208 (1982) applies to discharges of iron, and Section 302.304 (1982) applies to the other discharges of inorganic compounds for violations that occurred between June 22, 1982 and July 9, 1990.

In count III, the above amendments made to paragraph 27 of count II are incorporated by reference as paragraphs 16-28 of count III. Additionally, the People amend paragraphs 40-42, 44, and 45 to clearly reflect the changes made to the chart of exceeded water quality standards.

The changes the People made to their second amended complaint clearly revise the allegations found in counts II and III to adequately specify the dates, location, and strength of discharges alleged to constitute violations of the Act and regulations as required by the Board. Most significantly, the People cite to Section 302.208 for the first time as the regulation exceeded by the discharge of iron that occurred in 1982. *See Fourth Comp. at 32.* Because of this change and other clarifications made in count III of the amended complaint, the Board grants the People's motion for leave to amend and accepts the People's third amended complaint.

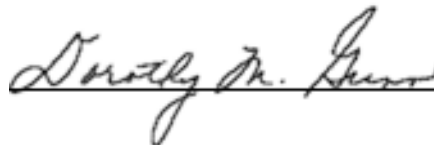
For the purposes of deadlines to file an answer or responsive motion, the Board deems the respondent to have received the amended complaint as of the date of this order. Pursuant to a hearing officer order dated October 21, 2002, the respondent must file its answer to the amended complaint within 30 days of the date of this order.

MOTION FOR RECONSIDERATION

The People ask the Board to reconsider its October 3, 2002 order to strike any citations to Section 302.208 from the People's September 16, 2002 amended complaint. Because the Board grants the People's motion for leave to amend their second amended complaint and accepts the People's third amended complaint filed October 24, 2002, including properly alleged violations of Section 302.208, the Board denies this motion as moot.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on November 21, 2002, by a vote of 6-0.

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

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board