

BEFORE THE POLLUTION CONTROL BOARD
OF THE STATE OF ILLINOIS

IN THE MATTER OF:)
NOISE RULE UPDATE)
AMENDMENTS TO 35 ILL. ADM.) R03-8
CODE 900 AND 903) (Rulemaking-Noise)

P.C.#
5
RECEIVED
CLERK'S OFFICE
FEB 13 2003
STATE OF ILLINOIS
Pollution Control Board

NOTICE

Dorothy Gunn, Clerk
Pollution Control Board
100 W. Randolph, Ste 11-500
Chicago, Illinois 60601

Robert T. Lawley
Dept. of Natural Resources
One Natural Resources Way
Springfield, Illinois 62702

Attorney General's Office
Environmental Bureau
188 W. Randolph, 20th Floor
Chicago, Illinois 60601

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Pollution Control Board the Notice of Proposed Amendments of the Illinois Environmental Protection Agency, a copy of which is herewith served upon you.

ENVIRONMENTAL PROTECTION AGENCY
OF THE STATE OF ILLINOIS

By: Kyle Rominger
Kyle Rominger
Assistant Counsel

DATE: February 11, 2003
Agency File #

Illinois Environmental Protection Agency
1021 North Grand Ave., E.
P.O. Box 19276
Springfield, IL 62794-9276

THIS FILING IS SUBMITTED ON RECYCLED PAPER

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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CLERK'S OFFICE

FEB 13 2003

STATE OF ILLINOIS
Pollution Control Board
P.C. 5

IN THE MATTER OF:)
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NOISE RULE UPDATE:) R03-8
AMENDMENTS TO 35 ILL. ADM.) (Rulemaking - Noise)
CODE 900 AND 903)

**ILLINOIS ENVIRONMENTAL PROTECTION AGENCY COMMENTS ON THE
ILLINOIS POLLUTION CONTROL BOARD'S NOTICE OF PROPOSED AMENDMENTS**

The Illinois Environmental Protection Agency ("Illinois EPA") thanks the Illinois Pollution Control Board ("Board") for its assent to removing the Illinois EPA's affirmative obligations under 35 Ill. Adm. Code 900.104. The Illinois EPA submits the following comment regarding the Board's Notice of Proposed Amendments to 35 Ill. Adm. Code 900 published at 25 Ill. Reg. 1889 (February 7, 2003):

The Board's Notice of Proposed Amendments does not include any change to 35 Ill. Adm. Code 900.104. To implement the Board's decision to remove the Illinois EPA's affirmative obligations, the current rulemaking should include the following modification to 35 Ill. Adm. Code 900.104:

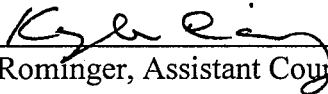
Section 900.104 Burden of Persuasion Regarding Exceptions

In any proceeding pursuant to this Chapter, if an exception stated in this Chapter would limit an obligation, limit a liability, or eliminate either an obligation or a liability, the person who would benefit from the application of the exception shall have the burden of persuasion that the exception applies and that the terms of the exception have been met. ~~The Agency shall cooperate with and assist persons in determining the application of the provisions of this Chapter.~~

As noted in the Illinois EPA's December 12 comments, this change is requested because the Illinois EPA no longer operates a noise program.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY



Kyle Rominger, Assistant Counsel

DATED: 2-11-03

1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276
(217) 782-3397

STATE OF ILLINOIS)
)
COUNTY OF SANGAMON)

PROOF OF SERVICE

I, the undersigned, on oath state that I have served the attached Notice of Proposed Amendments on behalf of the Illinois Environmental Protection Agency upon the person to whom it is directed, by placing a copy in an envelope addressed to:

Dorothy M. Gunn, Clerk
Pollution Control Board
James R. Thompson Center
100 West Randolph St., Ste 11-500
Chicago, Illinois 60601

Robert T. Lawley
Dept. Of Natural Resources
One Natural Resources Way
Springfield, Illinois 62702

Attorney General's Office
Environmental Bureau
188 W. Randolph, 20th Floor
Chicago, Illinois 60601

and mailing it from Springfield, Illinois on 2-11-03

Melinda A Brandt

SUBSCRIBED AND SWORN TO BEFORE ME

this 11th day of February
Brenda Boehner
Notary Public



THIS FILING IS SUBMITTED ON RECYCLED PAPER