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APR 30 2003

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

STATE OF ILLINOIS
Pollution Control Board

IN THE MATTER OF:)
)
PROPOSED AMENDMENTS TO:) R03-19
PART 309 SUBPART A -)
35 Ill. Adm. Code 309.105, 309.7, 309.8,)
309.117, 309.119, 309.143, 309.147; and)
PROPOSED 35 Ill. Adm. Code 120 through)
122 – NPDES PERMITS AND PERMITTING)
PROCEDURES)

NOTICE OF FILING

TO: Dorothy Gunn, Clerk
Pollution Control Board
100 West Randolph Street
Suite 11-500
Chicago, IL 60601

Marie E. Tipsord
Illinois Environmental Protection Agency
James R. Thompson Center
100 West Randolph Street, Suite 11-500
Chicago, IL 60601

Mathew Dunn
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Legal Service
Illinois Department of Natural Resources
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Springfield, IL 62701

Toby Frevert
Illinois Environmental Protection Agency
1021 North Grand Avenue East
Springfield, IL 62702

See Attached Service List

PLEASE TAKE NOTICE today that I have filed with the Clerk of the Illinois Pollution Control Board **Motion to File Response and Reply Instanter**, a copy of which is herewith served upon you.

Respectfully submitted,

Ray Harsch /sme

Dated: April 29, 2003
Roy M. Harsch
Sheila H. Deely (ARDC No. 6236949)
Gardner Carton & Douglas, LLC
191 N. Wacker Drive - Suite 3700
Chicago, IL 60606-1698
Telephone: (312) 569-1000

THIS FILING IS SUBMITTED ON RECYCLED PAPER

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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PROCEDURES)

MOTION TO FILE RESPONSE AND REPLY INSTANTER

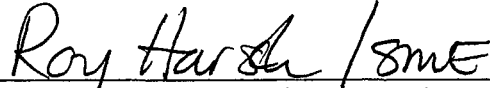
The Illinois Association of Wastewater Agencies (IAWA), by its attorneys Gardner Carton & Douglas, moves to file instanter: 1) its response in support of IERG’s motion for a third hearing, and 2) its reply in opposition to the Environmental Law & Policy Center, Prairie Rivers Network and Sierra Club’s response to IERG’s motion. In support thereof, IAWA states as follows:

1. The Illinois EPA has agreed to re-write the proposal that is the subject of this proceeding, and IAWA has been waiting for the filing of the revised proposal. As explained on the record in the second hearing, a series of stakeholder meetings has taken place regarding the proposed revisions. IAWA has participated in those meetings. It is IAWA’s understanding that Illinois EPA has now in fact filed its alternate proposal today, April 29, 2003.

2. Jim Daugherty, IAWA subcommittee chairperson overseeing this proceeding on behalf of IAWA has been out of town until this week, and counsel for IAWA was unable to confer with Mr. Daugherty until today.

WHEREFORE, IAWA moves the Board to accept instanter IAWA's response in support of IERG's motion for a third hearing and its reply in opposition to the Environmental Law & Policy Center, Prairie Rivers Network and Sierra Club's response to IERG's motion.

Respectfully submitted,

Handwritten signature of Roy Harsch in cursive script, followed by a horizontal line.

One of Attorneys for Illinois Association of
Wastewater Agencies

Roy M. Harsch
Sheila H. Deely
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CH02/22242204.1

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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**RESPONSE IN SUPPORT OF IERG’S MOTION FOR THIRD HEARING
AND REPLY IN OPPOSITION TO RESPONSE
OF ENVIRONMENTAL LAW & POLICY CENTER *et al.***

The Illinois Association of Wastewater Agencies (IAWA) supports the motion brought by the Illinois Environmental Regulatory Group (IERG) for a third hearing in this proceeding. The reasons asserted by the Environmental Law & Policy Center, Prairie Rivers Network and Sierra Club in opposition to IERG’s motion are entirely inadequate and consist of nothing but unsubstantiated hyperbole.

First, the parties opposing IERG’s motion have not presented any basis for the inadequacy of the current NPDES public participation scheme other than the fact that they lost a permit appeal case.

Second, the regulations under consideration in this proceeding govern public comment and participation. It is inconceivable that the parties opposing the request for a third hearing would advocate cutting off the opportunity for comment on the very regulations that will govern public involvement in the NPDES permitting process.

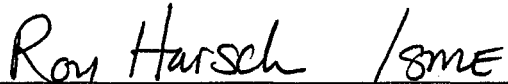
Third, the parties involved in this proceeding have expended considerable time, money, and effort in responding to the proposed amendments, including the Illinois EPA re-write of the

proposal. Given the resources expended and the alternate proposal submitted by the Illinois EPA today, April 29, 2003, a third hearing is warranted for all parties to have the opportunity to question the Illinois EPA concerning the alternative proposal.

Finally, the parties opposing the motion for a third hearing have presented no emergency basis for denying a third hearing. The regulations at issue are procedural rules, and the parties opposing the motion have been able to more than adequately participate in the NPDES permitting process under the current regulations. Further deliberation on the proposed amendments will in no way interfere with the opportunity for continued public participation under the existing NPDES regulations.

WHEREFORE, IAWA requests that the Board grant IERG's motion for a third hearing.

Respectfully submitted,

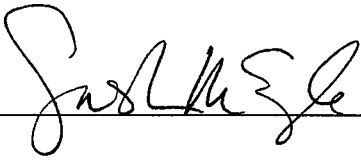


One of Attorneys for Illinois Association of
Wastewater Agencies

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CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing **Notice of Filing Motion to File Response and Reply Instanter** were filed by hand delivery with the Clerk of the Illinois Pollution Control Board and served upon the parties to whom said Notice is directed by first class mail, postage prepaid, by depositing in the U.S. Mail at 191 North Wacker Drive, Chicago, Illinois 60606 on Tuesday, April 29, 2003.



CH02/22242232.1

**R03-19 Service List
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**R03-19 Service List
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