

ILLINOIS POLLUTION CONTROL BOARD

May 19, 2004

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STATE OF ILLINOIS
POLLUTION CONTROL BOARD

IN THE MATTER OF:)
)
PROPOSED AMENDMENTS TO) R04-25
DISSOLVED OXYGEN STANDARD 35 ILL.) (Rulemaking - Water)
ADM. CODE 302.206)

NOTICE OF HEARINGS

DATES, TIMES, PLACES:

FIRST HEARING: TUESDAY, JUNE 29, 2004, 10:00 a.m.

Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph Street, Rm. 11-512
Chicago, Illinois

SECOND HEARING: THURSDAY, AUGUST 12, 2004, 1:00 p.m.

Illinois Pollution Control Board Hearing Rm.
1021 N. Grand Avenue East, North Entrance
Springfield, Illinois

PURPOSE OF HEARINGS: Merit and economic
ATTENDING BOARD MEMBER: Andrea S. Moore
HEARING OFFICER: Richard R. McGill, Jr.

In compliance with the Americans With Disabilities Act and other applicable federal and State laws, the hearings will be accessible to individuals with disabilities. Persons requiring auxiliary aids should contact Dorothy Gunn, Clerk of the Board, 100 West Randolph Street, Suite 11-500, Chicago, Illinois 60601, at telephone number (312) 814-3669, or TDD number (312) 814-6032, at least five days before the particular hearing.

HEARING OFFICER ORDER

On April 19, 2004, the Board received a rulemaking proposal from the Illinois Association of Wastewater Agencies (IAWA). IAWA seeks to amend the Board's rule establishing general use water quality standards for dissolved oxygen (35 Ill. Adm. Code 302.206). In a May 6, 2004 order, the Board accepted the proposal for hearing.

Two hearings are presently scheduled for R04-25: June 29, 2004, in Chicago; and August 12, 2004 in Springfield. Hearing times and locations are set forth above. The purpose of these hearings is to allow the Board to receive testimony from IAWA, the Illinois Environmental Protection Agency, and other interested participants on the merits and economic impact of the rulemaking proposal. At hearing, all persons who testify will be sworn and subject to questioning. The Board also will receive testimony on any economic impact study (EcIS) conducted by the Department of Commerce and Economic Opportunity (DCEO) on the proposed rules or DCEO decision not to perform an EcIS.

For the June 29, 2004 hearing in Chicago, IAWA, as the rulemaking proponent, must prefile its witnesses' testimony and any related exhibits with the Board no later than June 15, 2004, and simultaneously serve the hearing officer and all persons on the Service List. *See* 35 Ill. Adm. Code 102.424. The "mailbox rule" (35 Ill. Adm. Code 101.300(b)(2)) does not apply to this filing—accordingly, the Clerk of the Board must receive IAWA's filing by June 15, 2004. The first hearing is devoted primarily to IAWA's testimony and questions for IAWA's witnesses. IAWA's witnesses must be prepared to provide an oral summary of his or her prefiled testimony at the first hearing. Others may testify at the first hearing as time permits, at the discretion of the Hearing Officer. A prefiling deadline for the second hearing may be established later.

IAWA's rulemaking proposal, including its statement of reasons and proposed amendatory language, may be obtained on the Board's Web Site through the Clerk's Office On-Line (COOL) at www.ipcb.state.il.us. Public comments, hearing transcripts, and opinions and orders in R04-25 also will be available on-line through COOL.

The Notice List for this rulemaking is the list of persons who wish to receive only the Board's opinions and orders and hearing officer orders. The Service List is the list of persons who wish to actively participate in this proceeding and receive not only opinions and orders, but also other filings such as prefiled testimony and public comments.

Persons must provide copies of documents they file with the Board to all persons on the Service List. To be placed on or to receive a copy of the Notice List or Service List, please contact Lynn Delaney at (312) 814-3832 or the hearing officer. *Before filing any document with the Board, please check with Ms. Delaney or the hearing officer to ensure that you have the most*

recent version of the Service List.

IT IS SO ORDERED.



Richard R. McGill, Jr.
Hearing Officer, Illinois Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601
(312) 814-6983 mcgillr@ipcb.state.il.us