

ILLINOIS POLLUTION CONTROL BOARD

February 1, 2005

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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)	

HEARING OFFICER ORDER

The Illinois Association of Wastewater Agencies (IAWA), the proponent of this rulemaking, seeks to amend the Board's rule establishing general use water quality standards for dissolved oxygen (35 Ill. Adm. Code 302.206). After two public hearings and a series of status conference calls in this rulemaking, the hearing officer issued an order on December 20, 2004, requiring IAWA to file a status report by January 31, 2005.

On February 1, 2005, IAWA filed the status report, along with a motion for leave to file *instanter*, which the hearing officer grants. In the status report, IAWA states that since the last status conference call, which took place on December 17, 2004, IAWA has been in contact with Illinois Environmental Protection Agency and the Illinois Department of Natural Resources and there have been on-going discussions of technical issues. The status report further provides that an additional stakeholder meeting has been scheduled for February 23, 2005, and that IAWA hopes the meeting will help resolve outstanding differences over the rulemaking proposal. IAWA concludes the status report by asking that the hearing officer enter an order requiring that IAWA file an additional status report by February 28, 2005, which would include suggested dates for a third public hearing in this rulemaking.

IAWA must file a status report with the Clerk of the Board by February 28, 2005. The status report must provide a procedural update on IAWA's readiness for a third hearing, which would be held in Chicago. If practicable, the status report must propose specific dates for a third hearing, ideally with the agreement of those participants most actively involved in this rulemaking. Prefiled testimony will likely be required for the third hearing and is generally due 21 days before hearing. The hearing officer anticipates issuing an order after receiving IAWA's status report. The order may provide notice of the third hearing date, time, and location, as well a deadline for pre-filing testimony.

Please note that as part of the Board's voluntary electronic filing pilot project, certain filings in this rulemaking may be made through the Board's Web-based Clerk's Office On-Line (COOL) at www.ipcb.state.il.us. Any questions about electronic filing through COOL should be directed to the Clerk's Office at (312) 814-3629.

Lastly, all filings with the Clerk of the Board must be served on the hearing officer and on those persons on the Service List. Before filing any document with the Clerk, please check with

Sandy Wiley at (312) 814-3623 or wileys@ipcb.state.il.us or the hearing officer to ensure that you have the most recent version of the R04-25 Service List.

IT IS SO ORDERED.



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