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STATE OF ILLINOIS
Pollution Control Board

ILLINOIS POLLUTION CONTROL BOARD

March 3, 2005

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, a series of status conference calls, and a status report filed by IAWA, the hearing officer issued an order on February 1, 2005, requiring IAWA to file a second status report by February 28, 2005. IAWA timely filed its second status report on February 28, 2005. Below, the second status report is discussed and a third status report is ordered.

In the second status report, IAWA states that since the last status conference call, which took place on December 17, 2004, IAWA has been in contact with the Illinois Environmental Protection Agency (IEPA), the Illinois Department of Natural Resources (DNR), and other stakeholders and there have been on-going discussions of technical issues. The status report further provides that an additional stakeholder meeting was held on February 23, 2005, in IEPA's Springfield offices. IAWA notes that representatives of various stakeholders attended that meeting, including DNR, IEPA, IAWA, and citizen groups.

IAWA states that at the February 23, 2005 stakeholder meeting, DNR and IEPA discussed their efforts "at trying to arrive at an agreed upon joint state position to put forth at the third hearing in this matter." 2d Status Report at 2. According to the status report, it was agreed that DNR and IEPA would continue to meet and work on this position and would report back to the other stakeholders on their progress and the need for another stakeholder meeting to be held at the end of March 2005.

IAWA concludes the second status report by asking that the hearing officer enter an order requiring that IAWA file an additional status report by March 31, 2005, which would include, if appropriate, suggested dates for a third public hearing in this rulemaking. IAWA must file a third status report with the Clerk of the Board by March 31, 2005. The third 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 third status report. The order may provide notice of the third hearing date, time, and location, as well as a deadline for prefiling testimony.

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Please note that as part of the Board's voluntary electronic filing pilot project, certain filings in this rulemaking, including status reports, 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.



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