

ORIGINAL

ILLINOIS POLLUTION CONTROL BOARD

March 8, 2006

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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 HEARING

DATE, TIME, PLACE:

FOURTH HEARING: TUESDAY, APRIL 25, 2006, 10:00 a.m.

Illinois Environmental Protection Agency
North Entrance
TQM Room
1000 E. Converse
Springfield, Illinois

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

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. The Board has held three hearings: June 29, 2004 in Chicago; August 12, 2004 in Springfield; and August 25, 2005 in Chicago.

At the conclusion of the third hearing, the Illinois Environmental Protection Agency (Agency) asked to have the opportunity to continue stakeholder discussions regarding the dissolved oxygen standard and to file a status report on those discussions in two months. In accordance with the hearing officer's order, the Agency filed a status report on October 28, 2005. At the Agency's request, the hearing officer required further status reports from the Agency, which were filed on November 30, 2005 and January 31, 2006. The Agency's last report provided that the Agency and the Illinois Department of Natural Resources (DNR) were continuing to develop a State position concerning Illinois' current dissolved oxygen standard. The status report further stated that the Agency and DNR intended to be ready to proceed to hearing as early as March 2006.

As noted above, the fourth hearing in this rulemaking is scheduled for April 25, 2006, in Springfield, beginning at 10:00 a.m. The primary purpose of the hearing is to receive testimony from the Agency and DNR and to allow for the questioning of their witnesses. Any persons who wish to testify at the fourth hearing must prefile their testimony and any related exhibits with the Board no later than April 4, 2006. *See* 35 Ill. Adm. Code 102.424. The "mailbox rule" (35 Ill. Adm. Code 101.300(b)(2)) does not apply to this filing—therefore, the Clerk of the Board must *receive* the prefiled testimony by April 4, 2006. Those who prefile must be prepared to provide oral summaries of their prefiled testimony at hearing. Other who did not prefile may testify at the fourth hearing only as time permits and at the discretion of the hearing officer. All persons who testify will be sworn and subject to questioning.

IAWA's proposal and other filings in this rulemaking, including the transcripts of the first three hearings, may be obtained on the Board's Web Site through the Clerk's Office On-Line (COOL) at www.ipcb.state.il.us. Please note that prefiled testimony may be filed through COOL. Any questions about electronic filing through COOL should be directed to the Clerk's Office at (312) 814-3629.

Prefiled testimony filed with the Board must also be served on those persons on the Service List. Before filing 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 Service List.

IT IS SO ORDERED.



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