

ILLINOIS POLLUTION CONTROL BOARD
February 17, 1982

IN THE MATTER OF:)
)
AMENDMENTS TO CHAPTER 3:) R76-21
WATER POLLUTION (Effluent)
Standards))

ORDER OF THE BOARD (by J.D. Dumelle):

On January 6, 1982 the Illinois Environmental Protection Agency (Agency) filed a motion for reconsideration of the Board's December 3, 1981 Order in this matter insofar as it adopted Rules 412 and 702(a) of Chapter 3: Water Pollution. In that these rules have already been filed with the Secretary of State and are now law, the Board finds reconsideration to be inappropriate and, therefore, denies reconsideration of those rules.

The Board does, however, find the Agency's reasons for reconsideration to be otherwise meritorious, and will review the contested rules. The Board will propose the amendment or deletion of those rules as it deems appropriate.

By letter dated January 19, 1982 the Agency informed the Board of certain references in the Board's September 24, 1981 Opinion in this matter which refer to rules included in the Board's February 19, 1981 first notice proposed order but which were changed or eliminated in the final order. The Board will construe that letter as an addition to the Agency's motion for reconsideration and will grant reconsideration to that extent. The Board hereby modifies its September 24, 1981 Opinion in this matter as follows:

1. The first sentence of page 43, paragraph 4 should read: Rule 411(b)(1) provides as a condition for the relaxed effluent standard that "the discharger does not use mercury; or, the discharger uses mercury and this use cannot be eliminated; or the discharger uses mercury only in chemical analysis or in laboratory or other equipment and takes reasonable care to avoid contamination of wastewater" (1:164; 2:286; 3:353, 355, 448).
2. The second and third sentences of page 44, paragraph 3 should be combined to read: Rule 411(c)(2) is written to parallel Rule 411(b)(1) except that there is no allowance for use which cannot be eliminated (1:164; 4:645).

3. On page 45, paragraph 5, "Rule 411(d) provides" should be replaced with "Rules 411(b)(1) and 411(c)(2) provide."
4. In paragraphs 2 and 3 on page 46 the references to Rule 411(e) should be to Rule 411(d). This is also true in paragraph 1, page 48.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 17th day of February, 1982 by a vote of 40.



Christan L. Moffett, Clerk
Illinois Pollution Control Board