

ILLINOIS POLLUTION CONTROL BOARD

April 25, 2001

IN THE MATTER OF:)
)
PROVISIONAL VARIANCES FROM) R01-31
WATER TEMPERATURE STANDARDS:) (Rulemaking - Water)
PROPOSED NEW 35 Ill. Adm. Code)
301.109)

NOTICE OF HEARINGS

DATES, TIMES, AND PLACES:

FIRST HEARING JUNE 7, 2001

1:00 p.m.
ROOM 403
600 S. SECOND STREET
SPRINGFIELD, ILLINOIS 62704

SECOND HEARING JUNE 20, 2001

1:00 p.m.
ROOM 11-500
100 W. RANDOLPH STREET
JAMES R. THOMPSON CENTER
CHICAGO, ILLINOIS 60601

PURPOSE OF HEARINGS: Merit and Economic

ATTENDING BOARD MEMBERS: Claire A. Manning

HEARING OFFICER: Andrew E. Boron

HEARING OFFICER ORDER

On April 13, 2001, the Illinois Environmental Protection Agency (Agency) filed this proposal for rulemaking. Proposed new Part 301.109 would establish the factors to be considered by the Agency in submitting recommendations to the Illinois Pollution Control Board for the grant of provisional variances pursuant to 415 ILCS 5/35(b) from a water temperature

In compliance with the Americans with Disabilities Act and other applicable federal and State laws, the hearing will be accessible to individuals with disabilities. Persons requiring auxiliary aids and services should contact Dorothy Gunn, Clerk of the Board, at 100 West Randolph St., Suite 11-500, Chicago, Illinois 60601, at telephone number 312/814-6931, fax number 312/814-3669, or TDD number 312/814-6032, five days prior to the hearing.

standard or requirement contained in 35 Ill. Adm. Code. 302.211 and 303. On April 19, 2001, the Board accepted this matter for hearing.

The June 7 and 20, 2001 hearings will be conducted to allow the Agency and all other interested persons the opportunity to present testimony on the proposed rules. The order of the first hearing will be:

1. Opening statements;
2. Testimony by the Agency;
3. Questions of the Agency;
4. Prefiled testimony by other interested persons;
5. Testimony by those who did not prefile, as time permits.

The second hearing will begin with presentation of testimony and comments which were not presented at the first hearing either because of time constraints or by request of the testifiers. The order of the second hearing will be determined at the close of the first hearing with preference given to persons who have prefiled testimony.

The "Notice List" is the list of interested persons who wish to receive only the Board's opinions and orders and hearing officer orders in this proceeding. The "Service List" is persons who wish to participate in the proceeding and receive all prefiled testimony and to be participants of record. To be placed on either the "Notice List" or the "Service List" contact the hearing officer at (312) 814-6062.

The Agency, as proponent must prefile its testimony for the June 7 hearing. Other persons wishing to testify are strongly encouraged to prefile the testimony. If a person who prefiles testimony would prefer to testify at the second hearing, they should state that clearly on the first page of the prefiled testimony. Testimony must be filed with the Clerk and served on the hearing officer and all persons on the service list. Persons may receive a copy of the service list by contacting the hearing officer. Testimony must be received by the Clerk's office no later than May 23, 2001; the mailbox rule does not apply. Testimony for the second hearing must be received by the Clerk's office no later than June 13, 2001.

IT IS SO ORDERED.

Andrew E. Boron
Hearing Officer
Illinois Pollution Control Board
100 West Randolph, Suite 11-500
Chicago, Illinois 60601
(312)814-6062