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MAR 26 2003

STATE OF ILLINOIS
Pollution Control Board

PC#2

STATE OF ILLINOIS
ILLINOIS POLLUTION CONTROL BOARD

In the Matter of:)
Proposed Amendments to:)
Public Participation Rules in 35 Ill.) No. 03-019
Admin. Code Part 309 NPDES) (NPDES Rulemaking)
Permits and Permitting Procedures)

NOTICE OF FILING

PLEASE TAKE NOTICE that on this 25th day of March, 2003, I filed with Ms. Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, James R. Thompson Center, 100 West Randolph Street, Suite#11-500, Chicago, IL 60601, an original and nine copies of my Comments On Proposed Revisions And Adoptions, which document was filed by overnight mail.

ILLINOIS-AMERICAN WATER COMPANY

By: Mary G. Sullivan
Mary G. Sullivan

Sue A. Schultz, General Counsel
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In the Matter of:)
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Public Participation Rules in 35 Ill.)
Admin. Code Part 309 NPDES)
Permits and Permitting Procedures)

No. 03-019
(NPDES Rulemaking)

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COMMENTS ON PROPOSED REVISIONS AND ADOPTIONS

Illinois-American Water Company ("Illinois-American"), submits the following comments concerning the proposed amendments to 35 Ill. Adm. Code Part 309 Subpart A, NPDES Permits and Permitting Procedures.

Illinois-American is a public utility within the meaning of the Act of the General Assembly of the State of Illinois entitled "An Act Concerning Public Utilities", approved June 29, 1916 and enforced July 1, 1921, as amended, and is now engaged in the business of furnishing potable water service and wastewater service to the public of the State of Illinois.

The current procedures established by the Pollution Control Board have been approved by the United States Environmental Protection Agency. Generally, the proposed administrative changes to the permit process are acceptable. However, some clarification to the amendments is needed. The sections that need revisions or clarification are 309.105(f) and (g), 309.109, 309.110(f)(3), 309.113(a)(10)(A), 309.120, 309.121 and 309.122.

The conditions set forth in Section 309.105(f) and (g) are more fully addressed in other sections of the regulations. It is not necessary to include these in this section. Illinois-American recommends that paragraphs (f) and (g) be eliminated from the proposed regulations.

In Section 309.109, the proposed additional language of "re-notice of substantially changed draft permit" is not clearly defined. When "re-notice is required" and "what is a

substantial change” needs to be more clearly described. Without the clarification, it is likely to result in hearings and evidence on definition and applicability. This will result in delaying the proceedings.

The language in Section 309.110(f)(3) is vague and ambiguous. The regulations need to establish clearly the procedures for public participation. Several provisions of the regulations address the timing and procedures for public participation. As written, parties will be uncertain whether they have complied with this provision.

The proposed changes to Sections 309.113(a)(10)(A), 309.120 and 309.121 create uncertainty. The proposed changes eliminate the 30 day period for public comment and adds that more than 30 days may be needed or more than 60 days needed in reopening matters. These open-ended time periods for comments are unwarranted. Interested parties should have an opportunity to comment but there needs to be a definite end time. At some point, the record is the record and the process needs to proceed to conclusion. The rules provide that the commenter may request additional time. How much time may be requested? What is a reasonable extension of time? These issues will become contested matters in each hearing. A clearly defined comment period will eliminate future disputes as to what is necessary and reasonable without unduly delaying the proceeding.

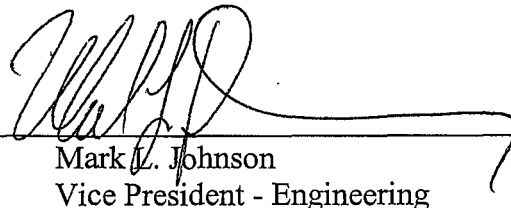
Illinois-American suggests the following comment periods should apply. The initial public comment period could be extended to 60 days. If the record must be reopened, the extended comment period should be for 30 days. These periods give interested parties time to comment but eliminate the open-ended time period.

Section 309.122 requires the record be reopened if a draft permit is substantially modified or if new questions are raised during the comment period. These terms are not defined. There is no limit to the number of times the record could be reopened. The current procedures provide for an appeal process. The appeal process is designed to address the issues which are subject to the new section. This new section is not necessary and should be eliminated from the proposed amendments.

WHEREFORE, Illinois-American Water Company respectfully requests the Pollution Control Board include the suggested modifications in the proposed amendments to Part 309 Subpart A.

ILLINOIS-AMERICAN WATER COMPANY

By:

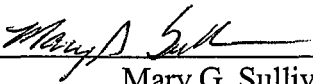

Mark L. Johnson
Vice President - Engineering

March 25, 2003

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CERTIFICATE OF SERVICE

I, Mary G. Sullivan, do hereby certify that copies of the Comments on Proposed Revisions and Adoptions have been served upon the individuals shown on the attached Service List, by mailing a true copy of the same to each of the individuals this 25th day of March, 2003.



Mary G. Sullivan

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