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STATE OF ILLINOIS  
Pollution Control Board

**Pre-filed Testimony**  
**Beth Wentzel, Watershed Scientist, Prairie Rivers Network**

**My name is Beth Wentzel, and I am the Watershed Scientist for Prairie Rivers Network, a statewide river conservation organization and National Wildlife Federation's Illinois affiliate.**

**Prairie Rivers Network supports the proposed changes to the existing regulations. It is the intent of the Clean Water Act that the public has full and fair opportunity to participate in the NPDES permitting process. The public should be allowed to understand the basis for and comment on all terms and conditions of the permits. For this to occur, the changes and clarifications to the regulations that are proposed should be adopted to ensure that the public always fully understands how to participate, information demonstrating that the permits satisfy all federal and state laws must always be available to the public as part of the record, and all terms and conditions of the permit, including monitoring requirements, must be available to the public for comment prior to issuance of the permit.**

**The existing law requires that a permit may not be issued that allows a discharge to cause or contribute to water quality standards violations. Therefore permit writers must currently conduct appropriate analyses to determine that permit conditions satisfy this requirement. It is necessary to conduct all such analyses prior to releasing the draft permit for public comment, and it is only fair that such analyses be made available to interested members of the public. Public participation is not meaningful if people are allowed to see only the terms of the permit without access to the derivation of those terms and assurance that those terms protect the waters of their communities. Therefore, we emphasize our support for the proposal to require that all information justifying permit terms and conditions be incorporated into the record.**

**In the case that information is not available to justify all terms and conditions of the permit at the time of the first draft, the permit should not be finalized until such information is available, and the permit should be re-noticed prior to issuance in order that the public has the opportunity to examine and comment on additional information and modified terms. Fair participation requires that the public have the opportunity to raise concerns to the IEPA regarding every term of the permit.**

**This opportunity for public participation should be required for all terms and conditions, including discharge monitoring requirements. Because discharge monitoring is the most effective, and in many cases the only, means of determining compliance with effluent limitations, the monitoring regime is an extremely important condition of permits. To ensure that no permit is finalized without this critical element of the permit fully described, we feel that the proposed changes to section 309.146 are very necessary.**

**Finally, while many of the regulatory changes proposed would not cause a change in agency practice for most permits, it is appropriate that these requirements be formalized by incorporation in the regulations rather than left to the discretion of agency staff.**

**Public participation in the NPDES process is too important to be subject to unnecessary or inappropriate limitation. Prairie Rivers Network urges the Pollution Control Board to adopt these changes to ensure that the public will always have full and fair opportunity to participate in this process.**