

ILLINOIS POLLUTION CONTROL BOARD  
September 6, 2001

IN THE MATTER OF: )  
)  
PROVISIONAL VARIANCES FROM ) R01-31  
WATER TEMPERATURE STANDARDS: ) (Rulemaking - Water)  
PROPOSED NEW 35 ILL. ADM. CODE )  
301.109 )

ORDER OF THE BOARD (by C.A. Manning):

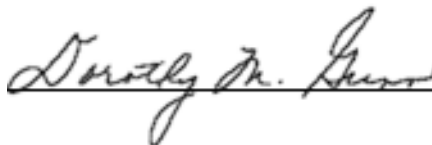
On April 13, 2001, the Illinois Environmental Protection Agency (Agency) filed a proposal to amend the Board's water pollution regulations. The new rule would set forth the criteria that the Agency must use when it recommends that the Board grant provisional variances from water temperature standards. On April 19, 2001, the Board accepted the Agency's proposal for hearing. On June 7, 2001, the first of two scheduled hearings was held in this matter. On August 20, 2001, the Agency filed, and the hearing officer granted, a motion to cancel the second hearing scheduled for August 23, 2001. On August 23, 2001, the Agency filed a motion to withdraw its proposal. No responses have been filed by hearing participants.

The Agency's motion to withdraw the rulemaking states that the proposal to address thermal provisional variances did not constitute a substantive addition or limitation to existing statutory authority, but was entirely procedural in nature. According to the Agency, "one beneficial result of these proceedings has been to familiarize the regulated community with the Agency's expectations for thermal provisional variance applications." The Agency also indicates that the "regulated community has demonstrated their agreement and acceptance of both Agency intent and authority" regarding the criteria and necessary supporting information for an approvable provisional variance application involving thermal discharges. The Agency therefore concludes "the adoption of the Agency proposal in R01-31 is not necessary at this time for the [Agency] or the Board to carry out their statutory roles in the provisional variance process."

The Board grants the Agency's motion to withdraw its April 13, 2001 proposal and closes the docket.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on September 6, 2001, by a vote of 7-0.



Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board