

## **BOARD SENDS PROPOSAL TO AMEND NPDES PERMITS AND PERMITTING PROCEDURES TO SECOND NOTICE**

On February 19, 2004, the Illinois Pollution Control Board sent to second notice a rulemaking proposal to amend the Board's regulations used by the Illinois Environmental Protection Agency (IEPA) for issuing permits under the National Pollutant Discharge Elimination System (NPDES). The rulemaking, Proposed Amendments to: Public Participation Rules in 35 Ill. Adm. Code Part 309 NPDES Permits and Permitting Procedures (R03-19), was filed on January 13, 2003 by the Environmental Law and Policy Center of the Midwest, Illinois Chapter of the Sierra Club, Prairie Rivers Network, and 225 petitioners.

The proposal amends the Board's regulations at 35 Ill. Adm. Code 309 for issuance of NPDES permits by the IEPA. Specifically, the proposal clarifies the provisions on public participation in the permitting process. The proposal codifies the IEPA's existing practice when reviewing and issuing NPDES permits, requires additional information in NPDES permit fact sheets prepared for the public by IEPA, identifies when the public comment period can be reopened, requires control of pollutants and pollutant parameters that may potentially violate water quality standards, and requires reports adequate to determine compliance with monitoring requirements.

The Board made two substantive changes to the proposal in response to public comments during the first-notice period. The Board struck language from Section 309.120(a)(4) but declined suggestions that Section 309.120 be further amended. Additionally, the Board added additional federal language which further explains an excursion or violation of a water quality standard to Section 309.143.

The Board held three hearings in this matter. Written public comments, hearing transcripts, and prefiled testimony are posted on the Board's Web site and may be downloaded from the Web free of charge. Hard copies of transcripts, written comments, or any other document filed in this matter may be obtained for \$.75 per page from the Clerk's office at 312-814-3629, or by writing to the Clerk's office.

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