

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

IN THE MATTER OF )  
 )  
WATER POLLUTION: Proposed ) R15-24  
Amendments to 35 Ill. Adm. Code ) (Rulemaking-Water)  
Part 309 )

**NOTICE OF FILING**

TO: Mr. John T. Therriault Jason James  
Assistant Clerk of the Board Hearing Officer  
Illinois Pollution Control Board Illinois Pollution Control Board  
100 W. Randolph Street 100 W. Randolph Street,  
Suite 11-500 Suite 11-500  
Chicago, Illinois 60601 Chicago, Illinois 60601  
**(VIA ELECTRONIC MAIL)** **(VIA U.S. MAIL)**

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Illinois Pollution Control Board **ENTRY OF APPEARANCE** and **POST HEARING COMMENTS OF THE ILLINOIS ENVIRONMENTAL REGULATORY GROUP**, copies of which are herewith served upon you.

Respectfully submitted,

Illinois Environmental Regulatory Group,

Dated: October 15, 2015

By: /s/ Matthew C. Read  
Matthew C. Read

Matthew C. Read  
HODGE DWYER & DRIVER  
3150 Roland Avenue  
Post Office Box 5776  
Springfield, Illinois 62705-5776  
(217) 523-4900

**CERTIFICATE OF SERVICE**

I, Matthew C. Read, the undersigned, hereby certify that I have served the attached  
**ENTRY OF APPEARANCE and POST HEARING COMMENTS OF THE ILLINOIS  
ENVIRONMENTAL REGULATORY GROUP**, upon:

Mr. John T. Therriault  
Assistant Clerk of the Board  
Illinois Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago, Illinois 60601

via electronic mail on October 15, 2015; and upon:

Jason James  
Hearing Officer  
Illinois Pollution Control Board  
100 W. Randolph Street  
Suite 11-500  
Chicago, Illinois 60601

Rebecca A. Burlingham  
Office of the Attorney General  
69 West Washington Street, Suite 1800  
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Sara Terranova  
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Illinois Department of Natural Resources  
One Natural Resources Way  
Springfield, Illinois 62702-1271

Albert Ettinger  
Law Firm of Albert Ettinger  
53 W. Jackson Suite 1664  
Chicago, Illinois 60604

Beth Steinhour  
11953 Prairie Industrial Parkway  
Hennepin, Illinois 61327

by depositing said documents in the United States Mail, postage prepaid, in Springfield, Illinois,  
on October 15, 2015.

/s/ Matthew C. Read  
Matthew C. Read

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**ENTRY OF APPEARANCE**

NOW COMES Matthew C. Read, of the law firm HODGE DWYER & DRIVER, and hereby enters his appearance in this matter on behalf of the ILLINOIS ENVIRONMENTAL REGULATORY GROUP.

Respectfully submitted,

DATE: October 15, 2015

By: /s/ Matthew C. Read  
Matthew C. Read

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**POST HEARING COMMENTS OF  
THE ILLINOIS ENVIRONMENTAL REGULATORY GROUP**

NOW COMES the ILLINOIS ENVIRONMENTAL REGULATORY GROUP (“IERG”) by and through its attorneys, HODGE DWYER & DRIVER, and pursuant to 35 Ill. Admin. Code 102.108(b), hereby submits its post hearing comments in the above-captioned matter.

IERG is a not-for-profit Illinois corporation affiliated with the Illinois Chamber of Commerce. IERG is composed of fifty-three (53) member companies that are regulated by governmental agencies that promulgate, administer or enforce environmental laws, regulations, rules or other policies. Many IERG member companies are National Pollutant Discharge Elimination System (“NPDES”) permit holders and/or are otherwise subject to the rules and regulations proposed to be amended in this rulemaking. On behalf of its Members, IERG was present and participated at the two hearings held in this matter on August 25, 2015, and September 24, 2015.

**I. DISCUSSION**

IERG supports the proposed amendments to the Illinois Pollution Control Board’s (“Board”) permit provisions in 35 Ill. Adm. Code Part 309, including recent revisions proposed by the Illinois Environmental Protection Agency (“Illinois EPA” or “Agency”) in response to questions posed by the Board and IERG. The amendments are generally beneficial to the regulated community, and IERG appreciates the Agency identifying areas in Part 309 to

“clarify,” “cleanup,” and “streamline,” as well as the need to authorize the issuance of lifetime operating permits for specified pretreatment works or wastewater sources. *See* Statement of Reasons, *In the Matter of: Water Pollution: Proposed Amendments to 35 Ill. Adm. Code Part 309*, R15-24 at 9-15 (Ill.Pol.Control.Bd. June 1, 2015) (rulemaking hereinafter cited as “R15-24”). The Agency also proposed amendments to “give the Agency flexibility when a [permit] renewal application has been filed late for just causes.” *Id.* at 6. The amendments would allow the Agency to use its discretion to grant waivers of the 180-day renewal application deadline. *Id.* at 7. IERG supports this type of flexibility and believes such waivers recognize the realities of preparing a renewal application.

During the first hearing on August 25, 2015, and in response to pre-filed questions submitted by IERG, the Agency addressed including additional exemptions from the construction permit requirement. Specifically, the Agency agreed that reverse osmosis systems, multi-media filtration systems, and ion exchange systems are common treatment technologies and stated it “would be amenable to adding an exemption” for the three systems when they are used for raw or source water treatment. Exhibit 3, August 25, 2015 Hearing, Response to Pre-Filed Questions from IERG, R15-24 at 1-2 (Ill.Pol.Control.Bd. Aug. 25, 2015). The Agency also agreed that additional materials and equipment required to use or install the exempt systems should be exempt. *Id.* at 2. Accordingly, the Illinois EPA revised its proposal to include these exemptions. *Id.* at 3.

IERG supports the inclusion of these additional exemptions from the construction permit requirement and believes that the proposed amendments are beneficial to businesses operating in Illinois and the Illinois EPA because they eliminate the administrative burden of issuing and obtaining permits for common “off the shelf” technologies. At the same time, the permitting

program remains protective of the environment since the exempt technologies are commonly used by industry and well understood by the Agency.

**II. CONCLUSION**

IERG supports the amendments to 35 Ill. Adm. Code Part 309 proposed by the Illinois EPA for the Board's consideration, and encourages the Board to finalize them as expeditiously as possible.

IERG appreciates the opportunity to provide these comments. Thank you for your consideration.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL  
REGULATORY GROUP,

Dated: October 15, 2015

By: /s/ Matthew C. Read  
Matthew C. Read

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