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STATE OF ILLINOIS
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)
)
WASTE WATER PRETREATMENT) R02-9
UPDATE, USEPA AMENDMENTS) (Identical-In-Substance
(October 3, 2001)) Rulemaking)

MOTION FOR EXTENSION OF TIME TO FILE COMMENTS

The United States Environmental Protection Agency (USEPA) Region 5 moves for an extension of time to file comments to the Illinois Pollution Control Board's (the Board) proposed amendments to 35 Ill. Adm. Code 310, and in support states as follows:

1. On August 30, 2000, USEPA, the Illinois Environmental Protection Agency (IEPA), and the Metropolitan Water Reclamation District of Greater Chicago (the District) entered into a Final Project Agreement under USEPA's Project eXcellence and Leadership (Project XL). The Agreement represented a joint statement of the plans and commitments of the parties to carry out a pilot project, which would afford the District flexibility in administering its Pretreatment Program, while committing the District to achievement of environmental performance better than would be achieved under its existing program.

2. On October 3, 2001, USEPA promulgated a final rule for Pretreatment Program Reinvention Pilot Projects Under Project XL (66 FR 50334). This rule is intended to provide the regulatory flexibility that will enable the five Publicly Owned Treatment Works (POTWs) with signed Project XL Agreements (including the District), and other test programs to move forward.

3. On October 31, 2001, the Board received a motion for expedited consideration from the IEPA and the District, which requested that the Board expedite USEPA's October 3, 2001, rule allowing states

to modify National Pollutant Discharge Elimination System permits to implement agreements made under the Project XL program.

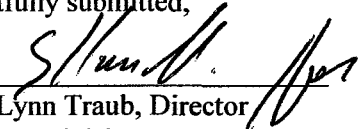
4. On November 30, 2001, The Board adopted a proposal for public comment containing amendments to incorporate the Federal Project XL rules at 40 CFR 403 into Ill. Adm. Code 310. The Board proposed updating the definitions in 35 Ill. Adm. 310.110, and adding a new Subpart L to Part 310. In proposed new Section 310.930, the Board provides that IEPA may modify the District's permits in accordance with the Project XL agreement it finalized with IEPA and USEPA on August 30, 2000. Any other Project XL agreements would need to be presented to the Board in a rulemaking, adjusted standard, or variance proceeding under Sections 27 and 28, 28.1, or 35 through 38 of the Environmental Protection Act (415 ILCS 5/27, 28, 28.1, 35-38)(2000).

5. It was USEPA's understanding that to implement the District's XL Project, the Board would amend the state regulations by adopting language that was essentially the same as the Federal rule.

6. Since the process identified in proposed 35 Ill. Adm. Code 310.930 differs from the process established under the Federal rule, we would like more time to review the proposed rule in order to determine its impact in implementing the XL program in Illinois.

WHEREFORE, the United States EPA requests an extension of time until February 15, 2002, to review the proposed rule and to potentially file comments. In the alternative, USEPA requests an extension of the comment period to the general public until that date.

Respectfully submitted,

By: 
Jo Lynn Traub, Director
Water Division

Dated: January 9, 2002
USEPA Region 5
77 W. Jackson Blvd
Chicago, IL 60604

STATE OF ILLINOIS)
)
COUNTY OF COOK)

PROOF OF SERVICE

I, the undersigned, on oath state that I have served the attached MOTION upon the persons to whom it is directed, by placing a copy in an envelope addressed to:

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph, Suite 11-500
Chicago, Illinois 60601

Michael McCambridge
Hearing Officer
James R. Thompson Center
100 West Randolph, Suite 11-500
Chicago, Illinois 60601

and mailing it from Chicago, Illinois on January 10, 2002 with sufficient postage affixed.

T. D. LeRobinson

SUBSCRIBED AND SWORN TO BEFORE ME

this 10 day of Jan, 2002.

Joseph H. Kruth

NOTARY PUBLIC

