

ILLINOIS POLLUTION CONTROL BOARD
January 24, 2002

IN THE MATTER OF:)
)
WASTEWATER PRETREATMENT) R02-9
UPDATE, USEPA AMENDMENTS) (Identical-in-Substance
(October 3, 2001)) Rulemaking - Water)

ORDER OF THE BOARD (by N.J. Melas):

On January 11, 2002, the U.S. Environmental Protection Agency (USEPA) filed a motion for extension of time in this matter. USEPA requests that the public comment period for docket R02-9 be extended until February 15, 2002.

The Board issued its proposal for public comment in this matter on November 15, 2001 after receiving a motion for expedited consideration from the Illinois Environmental Protection Agency (Agency) and the Metropolitan Water Reclamation District of Greater Chicago (MWRDGC) on October 31, 2001. In the November 15, 2001 proposal for public comment, the Board proposed amendments to the Illinois regulations that were "identical in substance" to wastewater pretreatment regulations that the USEPA adopted to implement the federal Project eXcellence and Leadership (Project XL) on October 3, 2001. *See* 66 Fed. Reg. 50334. In its November 15, 2001 proposal the Board found it necessary to deviate from the text of the federal regulations somewhat.

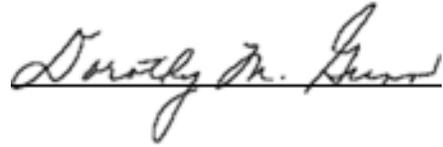
USEPA undertook the October 3, 2001 Project XL action for the immediate benefit of five publicly owned treatment works across the U.S., including the MWRDGC. Project XL allows the imposition of alternative requirements to the generally applicable environmental regulations for the sake of achieving greater environmental benefits by alternative means.

In the motion for extension of time, USEPA claims that it needs more time to review the Board's proposal for public comment as the proposal differs from the process established under the federal regulations. The public comment period in identical in substance dockets lasts for 45 days after the date of publication of the *Illinois Register*. The proposal was published in the *Illinois Register* on November 30, 2001. *See* 25 Ill. Reg. 15365. The public comment period would have expired on January 14, 2002.

Neither the Agency nor the MWRDGC have objected to the motion for extension of time. The Board has received comments from the Agency, and the Board considers it important to receive USEPA's comments in this matter as well. The Board therefore grants USEPA's motion for extension of time and sets a new public comment deadline of February 15, 2002.

After February 15, 2002, the Board will immediately consider adoption of the amendments, making any necessary changes evident from the public comments. The Board will file any adopted rules with the Secretary of State immediately after adoption.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on January 24, 2002, by a vote of 7-0.

A handwritten signature in cursive script, reading "Dorothy M. Gunn", is written over a horizontal line.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board