

ILLINOIS POLLUTION CONTROL BOARD
April 21, 1988

IN THE MATTER OF:)
)
PROPOSED AMENDMENTS TO SUBTITLE C:) R85-29
WATER POLLUTION FECAL COLIFORM)
AND SEASONAL DISINFECTION)

ORDER OF THE BOARD (by R.C. Flemal):

This matter comes before the Board on the April 20, 1988 filing of Illinois American Water Company's ("Water Company") Motion for Reconsideration. The Board construes this filing as an Appeal of the Hearing Officer's Order which denied in part Water Company's April 13, 1988 motion for a 30-day extension of time to file supplemental comments in this proceeding. The Hearing Officer granted the motion to the extent that any additional comments are to be filed by April 29, 1988.

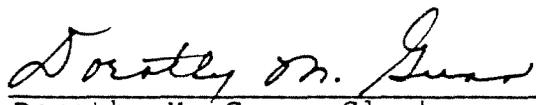
In support of its appeal, Water Company states that the Illinois Environmental Protection Agency ("Agency") had filed comments in this proceeding on January 25, 1988 and March 15, 1988, but failed to serve comments on Water Company. Water Company further states that its experts are unavailable for the remainder of the month of April.

The Board upholds the Order of its Hearing Officer. In so doing, the Board notes that neither its procedural rules nor the Administrative Procedures Act require a response period for comments or replies to comments of others. Further, the comments to which the Water Company objects were filed on January 25, 1988 and March 15, 1988, well before the close of the Second-First Notice comment period on April 11, 1988. Water Company was free, as any other interested person, to contact the Clerk of the Board regarding recent filings of public comments. Water Company was also on the Board's mailing list and received a copy of the Board's Second-First Notice Opinion and Order upon which it was free to comment. It is also worth noting that if this rule is to be adopted, it should be done as expeditiously as practicable since any delays could have an adverse impact on the upcoming disinfection season.

IT IS SO ORDERED

Chairman J.D. Dumelle dissented.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 21st day of April, 1988, by a vote of 6-1.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board