

ILLINOIS POLLUTION CONTROL BOARD  
March 8, 1990

IN THE MATTER OF: )  
 )  
PRETREATMENT UPDATE ) R89-12  
(1/1/89 - 6/30/89) ) (Identical in Substance Rules)  
 )

ORDER OF THE BOARD (by J. Anderson):

Section 13.3 of the Environmental Protection Act (Act) requires the Board to adopt regulations which are "identical in substance" with USEPA wastewater pretreatment rules adopted pursuant to the Clean Water Act. The term "identical in substance" has recently been defined in Section 7.2 of the Act. Section 7.2(b) of the Act requires the Board to adopt a rule within one year of adoption of federal rule, unless the Board extends the time based on a finding that the time is insufficient and stating the reasons. It appears that the regulations in this Docket will arguably be late. The Board is therefore entering this Order to extend the time.

The USEPA Pretreatment rules are in 40 CFR 400 et seq. These have been the subject of five recent amendments: January 4, March 17, April 4, May 2, and June 29, 1989 (54 Fed. Reg. 246, 11346, 13606, 13716, and 27351). The Board intends to adopt final amendments corresponding with the USEPA amendments through June 30, 1989 on or before April 12, 1990.

The reason for delay of final action on this docket beyond the statutory deadline is that the Board awaits receipt of responses to its numerous requests for public comment included in its Proposed Order of December 6, 1989. The Board specifically addressed many of these requests for comments to the Agency, USEPA, and the Attorney General. At the close of the public comment period, the Board had not received any of the requested comments.

The Board greatly desires receipt of public input from these entities and the regulated community on the important issues raised, and has hoped that additional time might afford a greater opportunity for such comments. However, even in the absence of this valuable guidance from outside the Board, the Board will promptly proceed to fulfill its statutory mandate with or without the desired comments.

The Board hereby directs the Clerk to cause the publication of the text of this Order in the Illinois Register pursuant to Section 7.2 of the Act.

IT IS SO ORDERED

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, do hereby certify that the above Order was adopted on the 8<sup>th</sup> day of March, 1990, by a vote of 7-0.

*Dorothy M. Gunn*  
Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board