

ORIGINAL

ILLINOIS POLLUTION CONTROL BOARD

December 14, 2005

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STATE OF ILLINOIS
Pollution Control Board

IN THE MATTER OF:)	
)	
PROPOSED AMENDMENTS TO)	R04-25
DISSOLVED OXYGEN STANDARD 35 ILL.)	(Rulemaking - Water)
ADM. CODE 302.206)	

HEARING OFFICER ORDER

On November 30, 2005, the Illinois Environmental Protection Agency (Agency) filed a status report pursuant to the hearing officer's order of November 3, 2005. According to the status report, the Agency's second since this rulemaking's August 25, 2005 hearing, the Agency and the Illinois Department of Natural Resources (DNR) have continued to meet and work to "develop a state position concerning Illinois' current dissolved oxygen standard." Report at 1.

The status report provides that the Agency and DNR have developed a preliminary joint recommendation to modify the current standard. Report at 2. Specifically, the report states that "a single uniform standard is no longer appropriate" and that the Agency and DNR "are developing a proposal for Board consideration that will establish a two tiered dissolved oxygen standard." *Id.* The two agencies' preliminary recommendation was presented and discussed at a stakeholder meeting on November 15, 2005, attended by representatives of the Agency, DNR, the United States Environmental Protection Agency, the Illinois Association of Wastewater Agencies (the proponent of this rulemaking), the Illinois Environmental Regulatory Group, Sierra Club, Prairie Rivers Network, and Friends of the Chicago River. *Id.*

The stakeholders were asked to provide feedback on the preliminary joint recommendation at their convenience. Report at 2. The Agency and DNR, however, plan on proceeding with their (1) technical evaluation and documentation "to develop a full record at a future Board hearing" and (2) "refinement of specific language of a proposed standard for the Board's consideration." *Id.* at 2-3. The status report provides that the two agencies intend to "complete this effort and be ready to proceed to a hearing as early [as] the month of March of 2006." *Id.* at 3.

The Agency asks that the hearing officer require the filing of another status report by January 31, 2006, in which the Agency would "explain the progress to date, the status of stakeholder discussions and meetings [and] . . . include if appropriate the suggested dates for a fourth hearing." Report at 3. There has been no response filed to this Agency motion. The hearing officer grants the Agency's motion. Accordingly, the Agency must file a third status report by January 31, 2006. This filing may be made electronically through the Board's Web-based Clerk's Office On-Line (COOL) at www.ipcb.state.il.us. Any filing with the Board must

also be served on the hearing officer and on those persons on the Service List.

IT IS SO ORDERED.



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