

ILLINOIS POLLUTION CONTROL BOARD
January 23, 2003

IN THE MATTER OF:)
)
PROPOSED AMENDMENTS TO:)
PUBLIC PARTICIPATION RULES IN 35)
ILL. ADM. CODE PART 309 NPDES)
PERMITS AND PERMITTING) R03-19
PROCEDURES) (NPDES Rulemaking)
)

ORDER OF THE BOARD (by T.E. Johnson):

On January 13, 2003, the Environmental Law and Policy Center of the Midwest, Illinois Chapter of the Sierra Club, Prairie Rivers Network, and 225 citizen petitioners (collectively “the proponents”) filed a proposal for rulemaking. They propose to amend the Board’s regulations at 35 Ill. Adm. Code 309 for the issuance of permits by the Illinois Environmental Protection Agency (Agency) under the National Pollutant Discharge Elimination System (NPDES).

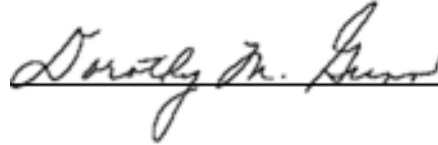
The proposal seeks to assure public participation in the NPDES permitting process and to alter the Agency procedures used to issue NPDES permits. More specifically, the proponents seek to amend various existing rules in Part 309: Sections 309.105, 309.107, 309.108, 309.109, 309.110, 309.112, 309.113, 309.114, 309.117, 309.119, 309.143, and 309.147. Proponents also propose to add three entirely new sections: Sections 309.120, 309.121, and 309.122. These NPDES public participation rules were at issue in a recent permit appeal before the Board: Prairie Rivers Network v. IEPA and Black Beauty Coal Co., PCB 01-112 (Aug. 9, 2001), *aff’d. sub nom. Prairie Rivers Network v. IPCB; IEPA; and Black Beauty Coal Co.*, No. 4-01-0801 (Oct. 24, 2002).

The petition meets the content requirements of Section 102.202 of the Board’s procedural rules. *See* 35 Ill. Adm. Code 102.202. The Board accepts the proposal for hearing and directs the hearing officer assigned to this matter to schedule hearings as required by Title VII of the Environmental Protection Act. 415 ILCS 5/26 *et seq.* (2002).

Finally, for ease of reference the Board has shortened the caption of this rulemaking. The Board directs all participants to use the caption as shown in this order in future filings.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on January 23, 2003, by a vote of 6-0.

A handwritten signature in cursive script that reads "Dorothy M. Gunn". The signature is written in black ink and is positioned above a solid horizontal line.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board