

ILLINOIS POLLUTION CONTROL BOARD

June 20, 1996

IN MATTER OF:)	
)	
PROPOSED AMENDMENTS TO 35 ILL.)	R92-8
ADM. CODE SUBTITLE C (WATER)	(Rulemaking - Water)
TOXICS AND BIOACCUMULATION))	

Proposed Rule. Dismissal Order.

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

On April 4, 1996, the Board issued a 14-page Opinion and Order closing this docket and declining to proceed with the amendments to the Illinois water quality standards proposed by the Sierra Club, Citizens for a Better Environment, Lake Michigan Federation and McHenry County Defenders (joint proponents). In concluding that it was unwise to move forward with the proposal at this time, the Board emphasized that "ongoing programs of the State agencies such as the Illinois Environmental Protection Agency, Department of Energy and Natural Resources and Department of Commerce and Community Affairs, plus the overview of the Natural Resources Coordinating Council, are designed to address many of the concerns brought forth in the instant proposal". (Order at p. 14).

On May 8, 1996, joint proponents filed a motion to reconsider, alleging in essence that the Board had not duly considered all aspects of its proposal, and that the Board improperly considered or inappropriately weighed various information in reaching its conclusions. Responses in opposition were filed on May 22, 23, and 24, 1996, by three major participants, respectively: Gardner, Carton and Douglas, the Illinois Environmental Regulatory Group, and the Illinois Environmental Protection Agency.

Joint proponents have presented no information or argument which would lead the Board to reopen this matter. The Board reiterates that it has fully considered all aspects of the record and joint proponents' proposal. The Board stands by its ruling as being fully consistent with Illinois law and the facts and circumstance of the situation.

Accordingly, joint proponents' motion for reconsideration and reopening of this docket is denied.

IT IS SO ORDERED.

Sections 29 and 41 of the Environmental Protection Act (415 ILCS 5/41 (1994)) provides for the appeal of final Board orders within 35 days of the date of service of this order. The Rules of the Supreme Court of Illinois establish filing requirements. (See also 35 Ill. Adm. Code 101.246 "Motions for Reconsideration".)

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the _____ day of _____, 1996, by a vote of _____.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board