

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

JAN 21 2004

STATE OF ILLINOIS  
Pollution Control Board

IN THE MATTER OF: -- )  
)  
PROPOSED AMENDMENTS TO: )  
PART 309 SUBPART A- )  
35 Ill. Adm. Code 309.105, 309.107, 309.108, )  
309.109, 309.110, 309.112, 309.113, 309.114, )  
309.117, 309.119, 309.143, 309.146; and )  
PROPOSED 35 Ill. Adm. Code 120 through 122- )  
NPDES PERMITS AND PERMITTING PROCEDURES )

R03-19  
(Rulemaking-Water)

PC#19

**NOTICE OF FILING**

Dorothy Gunn, Clerk  
Pollution Control Board  
100 West Randolph Street  
Suite 11-500  
Chicago, Illinois 60601

Marie E. Tipsord  
Illinois Pollution Control Board  
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Legal Service  
Illinois Department of Natural Resources  
524 South Second Street  
Springfield, Illinois 62701-1787

Attached Service List

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Pollution Control Board the Illinois Environmental Protection Agency's COMMENTS, a copy of which is herewith served upon you.

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

By:   
Sanjay K Sofat, Assistant Counsel  
Division of Legal Counsel

Dated: January 20, 2004  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
Springfield, Illinois 62794-9276  
(217) 782-5544

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

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PROPOSED AMENDMENTS TO: ) R03-19  
PART 309 SUBPART A- ) (Rulemaking-Water)  
35 Ill. Adm. Code 309.105, 309.107, 309.108, )  
309.109, 309.110, 309.112, 309.113, 309.114, )  
309.117, 309.119, 309.143, 309.146; and )  
PROPOSED 35 Ill. Adm. Code 120 through 122- )  
NPDES PERMITS AND PERMITTING PROCEDURES )

AGENCY'S COMMENTS

THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY (the "Agency") respectfully submits its comments to the First Notice in the Illinois Pollution Control Board's (the "Board") R03-19 rulemaking proceeding. The Agency appreciates the opportunity to participate in the third hearing held on November 19, 2003.

The Agency believes that the Board, in its First Notice order, has amply addressed all of the significant issues raised during this proceeding by various stakeholders. The Agency strongly supports the language proposed by the Board in its first notice order. Specifically, the Agency fully supports the Board's decision to proceed to first notice on Sections 309.107, 309.108, 309.109, 309.112, 309.119, 309.114, new 309.120, 309.143, and 309.146 of the rulemaking. The Agency is also in full agreement with the Board's reasoning supporting its decision.

In its opinion and order, the Board encouraged the Agency to provide additional comments on Section 309.113(a)(5). The Agency respectfully requests the Board to reconsider its decision requiring the Agency to provide a summary of changes for reissued permits in the fact sheet. At the November 19, 2003 hearing, Toby Frevert, Manager, Division of Water Pollution Control, was asked to respond on this issue. The Board should take Mr. Frevert's testimony into full


consideration in deciding this issue. As Toby's response specifies, the Agency believes that this proposed requirement is exceedingly burdensome given the limited manpower available for issuing permits. The Agency further believes that the cost of providing the benefit may not justify this proposed requirement.

Regarding the proponent's Section 309.120, the Agency agrees with the Board's reasoning that because of Section 309.108 and the Board's new Section 309.120, there is no need for this section.

The Agency expresses its appreciation to the Board for the opportunity to participate in this proceeding. As set forth above, the Agency urges the Board to adopt the proposed rule in its first notice order.

Respectfully Submitted

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

By:  \_\_\_\_\_

Sanjay K. Sofat  
Assistant Counsel  
Division of Legal Counsel

DATED: January 20, 2004

Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
P.O. Box 19276  
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(217) 782-5544

STATE OF ILLINOIS )  
 )  
 ) SS  
COUNTY OF SANGAMON )  
 )

**PROOF OF SERVICE**

I, the undersigned, on oath state that I have served the attached **AGENCY'S COMMENTS** upon the person to whom it is directed, by placing a copy in an envelope addressed to:

Dorothy Gunn, Clerk  
Pollution Control Board  
100 West Randolph Street  
Suite 11-500  
Chicago, Illinois 60601

Marie E. Tipsord  
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**(OVERNIGHT MAIL)**

**(OVERNIGHT MAIL)**

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Illinois Attorney General's Office  
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Springfield, Illinois 62701-1787

**(FIRST CLASS MAIL)**

**(FIRST CLASS MAIL)**

Attached Service List  
**(FIRST CLASS MAIL)**

and mailing it from Springfield, Illinois on January 20, 2004, with sufficient postage affixed as indicated above.

*Julie Donley*  
\_\_\_\_\_

**SUBSCRIBED AND SWORN TO BEFORE ME**

this day of January 20, 2004.

*Brenda Boehner*  
\_\_\_\_\_

Notary Public



**THIS FILING PRINTED ON RECYCLED PAPER**

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