

SEP 24 2004

STATE OF ILLINOIS
Pollution Control Board

ILLINOIS POLLUTION CONTROL BOARD

September 24, 2004

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

NOTICE OF
STATUS CONFERENCE CALL

DATE, TIME, DIAL-IN INFORMATION:

STATUS CONFERENCE CALL: WEDNESDAY, OCTOBER 13, 2004, 10:00 a.m.

Dial-In Number: 1-800-467-2166

Passcode (after dialing in): 453627, followed by the # sign

PURPOSE OF CALL: Procedural Status
Readiness for Third Hearing

HEARING OFFICER: Richard R. McGill, Jr.

HEARING OFFICER ORDER

The proponent of this rulemaking is the Illinois Association of Wastewater Agencies (IAWA). IAWA seeks to amend the Board's rule establishing general use water quality standards for dissolved oxygen (35 Ill. Adm. Code 302.206). The Board held the second hearing in this rulemaking on August 12, 2004, in Springfield. The hearing officer conducted a status conference call on September 13, 2004, starting at 10:00 a.m. Below is a summary of that call and information on the next call, which is scheduled for October 13, 2004.

9/13/04 Status Conference Call

The hearing officer was joined on the conference call by the following participants: Roy Harsch, IAWA; Stefanie Diers, Illinois Environmental Protection Agency; Stan Yonkauski, Illinois Department of Natural Resources (DNR); Albert Ettinger, Environmental Law & Policy Center, Prairie Rivers Network, and Sierra Club; Dennis Streicher, City of Elmhurst and IAWA; and Irwin Polls, Ecological Monitoring & Assessment.

Mr. Harsch and Ms. Diers stated that the United States Environmental Protection Agency would be providing data regarding dissolved oxygen and aquatic species composition, as well as comments on the proposed rulemaking. In addition, Mr. Harsch and Mr. Yonkauski confirmed that DNR would be preparing a "white paper" on extending the season during which a more stringent dissolved oxygen standard may apply. Mr. Harsch explained that IAWA hoped to receive some or all of this information in the next couple weeks, after which he expected to be prepared to indicate whether IAWA would move to proceed with a third hearing.

On the record at the August 12, 2004 hearing, Mr. Ettinger asked that the Board withhold ruling on the July 21, 2004 motion to suspend consideration of this rulemaking (motion to suspend) that he filed on behalf of Environmental Law & Policy Center, Prairie Rivers Network, and Sierra Club. Mr. Ettinger asked during the status conference that the Board continue to withhold ruling on the motion to suspend.

At the conclusion of the call, Mr. Harsch proposed that the hearing officer conduct another status conference call in approximately one month, to which none of the other participants objected. With the participants' agreement, the hearing officer scheduled a status conference call for October 13, 2004, which is discussed below.

10/13/04 Status Conference Call

A second status conference call is scheduled for Wednesday, October 13, 2004, at 10:00 a.m. The hearing officer will conduct the status conference, the purpose of which is limited to having the proponent and other participants provide a status report on their readiness to proceed with a third public hearing in this rulemaking. Only questions and comments related to the procedural purpose of this status conference will be allowed during the call. The status conference therefore will not be used to discuss the merits of the proposal or to receive evidence on the proposal.

The hearing officer does not presently anticipate holding a third status conference before either a third hearing is held or the Board rules on the motion to suspend. Accordingly, during the second status conference call, participants should be prepared to discuss potential dates for a third hearing. Likewise, Mr. Ettinger should be prepared to advise the hearing officer on whether he would either have the Board rule on the motion to suspend or withdraw the motion.

Mr. Harsch has arranged the teleconferencing service for the October 13, 2004 status conference call. Anyone may participate in the status conference, whether by speaking or merely listening. The dial-in number for the status conference call is 1-800-467-2166. After dialing in, you will be prompted to enter the passcode for the conference, which is 453627, followed by the # sign. Those wishing to join the status conference early may do so beginning 15 minutes before the scheduled 10:00 a.m. start. If you are having any difficulty joining the call, please dial 1-800-788-1085.

Fifteen phone lines are presently reserved for the October 13, 2004 status conference call. To ensure that enough lines are available for all those wishing to participate, **please contact the**

hearing officer at (312) 814-6983 by October 7, 2004, if you would like to participate in the status conference call. Additional phone lines may be added as needed. After the status conference, the hearing officer will prepare a short report documenting the participants in, and matters discussed during, the call.

IT IS SO ORDERED.



Richard R. McGill, Jr.
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