

ILLINOIS POLLUTION CONTROL BOARD  
December 13, 1979

IN THE MATTER OF: )  
 )  
AMENDMENTS TO RULE 902 OF ) R79-13  
CHAPTER 3: WATER POLLUTION )

PROPOSED OPINION AND ORDER OF THE BOARD (by Dr. Satchell):

Adoption of the Proposed Order in R76-20 and R77-10 has necessitated amendment of Rule 902(c) of Chapter 3 to correctly state the relationship between Chapter 3: Water Pollution and Chapter 4: Mine Related Pollution. Hearings and an economic impact study are not required on this proposal by §§27 and 28 of the Environmental Protection Act (Act) since they have already been conducted in the Chapter 4 proceeding. The economic impact will be discussed in the Board's Opinion in that proceeding.

In addition to amending Rule 902(c), the Board proposes to delete Rules 902(d), (e), (f) and part of Rule 902(g). These are transitional rules which no longer have any effect. The Board also proposes to delete Rule 902(i)(1)(i), (ii) and (iii). This is no longer required by federal regulations [40 C.F.R. §124.52 (b); 44 Fed. Reg. 32,854, 32,899 (June 7, 1979)]. Merit hearings and an economic impact study are unnecessary for deletion of these rules which relate to application procedures.

ORDER

Pursuant to §28 of the Environmental Protection Act (Act) and Procedural Rule 203, the Board proposes to delete from Chapter 3: Water Pollution Rules 902(c), (d), (e), (f), (g) and (i) and to substitute the following language:

902(c) Mining Activities

- (1) If, as defined by Rule 201 of Chapter 4, mining activities are to be carried out on a facility for which an NPDES permit is held or required, the applicant must submit a permit application as required by Rules 303, 304 and 504 of Chapter 4. If the facility will have a discharge other than a mine discharge as defined by Rule 201 of Chapter 4, the applicant shall also submit an NPDES permit application in accordance with Rule 959 on forms supplied by the Agency.

- (2) As provided by Rule 301 of Chapter 4, except to the extent contradicted in Chapter 4, the rules contained in this subpart A of Part IX apply to Chapter 4 NPDES permits.
- (3) As provided by Rule 600 of Chapter 4, except to the extent provided in Chapter 4, the effluent and water quality standards of Parts II, III and IV of Chapter 3 are inapplicable to mine discharges.

902(d) Deleted.

902(e) Deleted.

902(f) Deleted.

902(g) New Discharges

Any person whose discharge will begin after the effective date of this Subpart A or any person having an NPDES Permit issued by the U.S. Environmental Protection Agency for an existing discharge which will substantially change in nature, or increase in volume or frequency must apply for an NPDES Permit either:

- (1) No later than 180 days in advance of the date on which such NPDES Permit will be required; or
- (2) In sufficient time prior to the anticipated commencement of the discharge to insure compliance with the requirements of Section 306 of the FWPCA, or with any applicable zoning or siting requirements established pursuant to Section 208(b)(2)(C) of the FWPCA, and any other applicable water quality standards and applicable effluent standards and limitations.

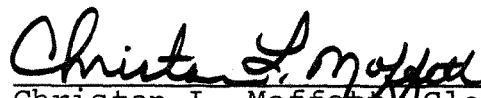
902(i) Renewal

- (1) Any permittee who wishes to continue to discharge after the expiration date of his NPDES Permit shall apply for reissuance of the permit not less than 180 days prior to the expiration date of the permit.
- (2) The Agency shall circulate public notice and provide opportunity for public hearing, as provided for in this Subpart A, in the same manner as for a new permit application.

The record will be held open for sixty days to allow comment on the proposal.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 13<sup>th</sup> day of December, 1979 by a vote of 4-0.

  
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Christan L. Moffett, Clerk  
Illinois Pollution Control Board