

ORIGINAL

RECEIVED
CLERK'S OFFICE

ILLINOIS POLLUTION CONTROL BOARD
July 14, 2006

JUL 14 2006

STATE OF ILLINOIS
Pollution Control Board

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

NOTICE OF HEARING

DATE, TIME, PLACE:

FIFTH HEARING: THURSDAY, NOVEMBER 2, 2006, 1:30 p.m.
TO BE CONTINUED AS NEEDED TO FRIDAY, NOVEMBER 3, 2006, 10:00 a.m.

Illinois Environmental Protection Agency
North Entrance
TQM Room
1000 E. Converse
Springfield, Illinois

PURPOSE OF HEARING:	Merit and economic
ATTENDING BOARD MEMBER:	Andrea S. Moore
HEARING OFFICER:	Richard R. McGill, Jr.

In compliance with the Americans With Disabilities Act and other applicable federal and State laws, the hearings will be accessible to individuals with disabilities. Persons requiring auxiliary aids should contact Dorothy Gunn, Clerk of the Board, 100 West Randolph Street, Suite 11-500, Chicago, Illinois 60601, at telephone number (312) 814-3620, or TDD number (312) 814-6032, at least five days before the particular hearing.

HEARING OFFICER ORDER

On April 19, 2004, the Board received a rulemaking proposal from 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). In a May 6, 2004 order, the Board accepted the proposal for hearing. The Board has held four hearings: June 29, 2004 in Chicago; August 12, 2004 in Springfield; August 25, 2005 in Chicago; and April 25, 2006 in Springfield.

At the conclusion of the fourth hearing, several rulemaking participants, including IAWA, the Illinois Environmental Protection Agency (Agency), the Department of Natural Resources (DNR), the Environmental Law & Policy Center, Prairie Rivers Network, and Sierra Club, requested that the hearing officer conduct a procedural status conference call on May 15, 2006, to discuss the participants' readiness for the next hearing. That call was held as scheduled by hearing officer order. Also at the participants' request, and pursuant to hearing officer orders, procedural status conference calls were held on June 5 and July 10, 2006. At the end of the latter call, the consensus among those participating was that the participants would be ready to proceed to hearing in November 2006.

As noted above, the fifth hearing in this rulemaking will be held in Springfield and is scheduled for November 2, 2006, beginning at 1:30 p.m., to be continued as needed to November 3, 2006, beginning at 10:00 a.m. The *primary* purpose of the hearing is two-fold: (1) to make available for further questioning the witnesses of the Agency and DNR; and (2) to allow additional testimony from and questions of IAWA witnesses. Others will be permitted to testify as time permits, with priority given to those witnesses who prefile.

Any persons who wish to testify at the fifth hearing must prefile their testimony and any related exhibits with the Board no later than October 4, 2006. *See* 35 Ill. Adm. Code 102.424. The "mailbox rule" (35 Ill. Adm. Code 101.300(b)(2)) does not apply to this filing—therefore, the Clerk of the Board must *receive* the prefiled testimony by October 4, 2006. Timely prefiled testimony will be entered into the record as if read. Those who prefile must be prepared to provide oral summaries of their prefiled testimony at hearing. Other who do not prefile may testify at the fifth hearing only as time permits. All persons who testify will be sworn and subject to questioning.

IAWA's proposal and other filings in this rulemaking, including the transcripts of the first four hearings and prefiled testimony, may be obtained on the Board's Web Site through the Clerk's Office On-Line (COOL) at www.ipcb.state.il.us. Please note that prefiled testimony may be filed through COOL. Any questions about electronic filing through COOL should be directed to the Clerk's Office at (312) 814-3629.

Prefiled testimony filed with the Board must also be served on those persons on the Service List. Before filing with the Clerk, please check with Sandy Wiley at (312) 814-3623 or wileys@ipcb.state.il.us or the hearing officer to ensure that you have the most recent version of

the Service List.

IT IS SO ORDERED.



Richard R. McGill, Jr.
Hearing Officer, Illinois Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601
(312) 814-6983 mcgillr@ipcb.state.il.us

