

Electronic Filing - Received, Clerk's Office, March 14, 2008

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)	
)	
TRIENNIAL REVIEW OF SULFATE AND)	R07-9
TOTAL DISSOLVED SOLIDS WATER)	(Rulemaking-Water)
QUALITY STANDARDS: PROPOSED)	
AMENDMENTS TO 35 ILL. ADM. CODE)	
302.102(b)(6), 302.102(b)(8), 302.102(b)(10),)	
302.208(g), 309.103(c)(3), 405.109(b)(2)(A),)	
405.109(b)(2)(B), 406.100(d); REPEALER OF)	
35 ILL. ADM. CODE 406.203 and PART 407;)	
and PROPOSED NEW 35 Ill. ADM. CODE)	
302.208(h))	

NOTICE OF FILING

John Therriault, Assistant Clerk
Illinois Pollution Control Board
100 West Randolph Street
Suite 11-500
Chicago, Illinois 60601
(Via Electronic Mail)

Marie E. Tipsord
Illinois Pollution Control Board
100 West Randolph Street
Suite 11-500
Chicago, Illinois 60601
(Via U.S. Mail)

Mathew Dunn
Illinois Attorney General's Office
Environmental Control Division
James R. Thompson Center
100 West Randolph Street
Chicago, Illinois 60601
(Via U.S. Mail)

Jonathan Furr
Illinois Department of Natural Resources
One Natural Resources Way
Springfield, Illinois 62702-1271
(Via U.S. Mail)

Attached Service List

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Pollution Control Board the **Response To IERG's Motion For Leave To Reply**, copies of which are herewith served upon you.

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

By: /s/ Sanjay K. Sofat
Sanjay K Sofat
Assistant Counsel

Dated: March 14, 2008
Illinois Environmental Protection Agency
1021 North Grand Avenue East
Springfield, Illinois 62794-9276
(217) 782-5544

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302.208(h))

Illinois Environmental Protection Agency’s Response to Illinois Environmental Regulatory Group’s Motion For Leave To Reply

Now comes the Illinois Environmental Protection Agency (the “Agency” or “Illinois EPA”), by and through one of its attorney, Sanjay K. Sofat, and hereby submits to the Illinois Pollution Control Board (the “Board”) its response to the Illinois Environmental Regulatory Group’s (“IERG”) Motion For Leave (hereinafter “IERG Motion”). The Agency respectfully requests the Board to DENY the IERG’s Motion for the following reasons:

1. On December 3, 2007, IERG filed First Notice comments in the above referenced matter.
2. On December 28, 2007, the Agency filed a response to IERG’s comments.
3. On February 26, 2008, IERG filed a motion for leave to reply to Illinois EPA’s response to IERG’s comments.
4. IERG claims that since the Board has not issued a Second Notice order, the Board’s grant of IERG’s request to file additional comments would not materially prejudice the Agency or any other interested party. The Agency disagrees.
5. Both the Agency and stakeholders would be materially prejudiced if the Board grants IERG’s request. Specifically, IERG’s request would essentially extend the public comment

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period, which in turn, would cause delay in the final promulgation and adoption of the proposed rule. The Agency maintains that this proposed rulemaking, more than 16 months in the making, is a well supported thoughtful proposal that will benefit various stakeholders.

6. The Board should also deny IERG's request because it has had multiple opportunities to provide comments. *See* IERG's Reply at 2. In fact, over and over, IERG has provided the same comment regarding economical impact of the proposed rule. However, still to this date, IERG has not expanded on why the Agency's discussion regarding the economic impact of the proposed rule is not sufficient, especially in a case, where the proposed water quality standard is expected to be much higher than the existing water quality standard. In sum, neither IERG's Motion nor IERG's reply provides additional information that was not already part of the Board record.

WHEREFORE, for the reasons stated above, the Agency respectfully requests the Board to DENY the IERG's Motion.

Respectfully Submitted

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

By: /s/ Sanjay K. Sofat
Sanjay K Sofat
Assistant Counsel
Division of Legal Counsel

DATED: March 14, 2008
Illinois Environmental Protection Agency
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CERTIFICATE OF SERVICE

I, Sanjay K. Sofat, the undersigned, certify that I have served the attached **Response To IERG's Motion For Leave To Reply** upon the person to whom it is directed, by placing a copy in an envelope addressed to:

John Therriault, Assistant Clerk
Pollution Control Board
100 West Randolph Street
Suite 11-500
Chicago, Illinois 60601

Marie E. Tipsord
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

via electronic mail on March 14, 2008, and upon:

Mathew Dunn
Illinois Attorney General's Office
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James R. Thompson Center
100 West Randolph Street
Chicago, Illinois 60601

Jonathan Furr
Illinois Department of Natural Resources
One Natural Resources Way
Springfield, Illinois 62702-1271

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by placing a copy in an envelope and mailing it from Springfield, Illinois on March 14, 2008, with sufficient postage affixed as indicated above.

/s/ Sanjay K. Sofat
Sanjay K. Sofat