

ILLINOIS POLLUTION CONTROL BOARD
October 7, 2013

IN THE MATTER OF:)
AMENDMENTS TO PRIMARY) R14-9
DRINKING WATER STANDARDS: 35 Ill.) (Rulemaking - Public Water Supply)
Adm. Code 611.490)

NOTICE OF HEARINGS

PURPOSE OF HEARINGS: Merit and economic hearing

DATE, TIME, AND LOCATIONS:

TUESDAY, NOVEMBER 5, 2013, 1:00 p.m.

James R. Thompson Center
Illinois Pollution Control Board Hearing Room, Room 11-512
100 West Randolph Street
Chicago, Illinois 60601

WEDNESDAY, NOVEMBER 13, 2013, 1:00 p.m.

Sangamo Building
Illinois Pollution Control Board Hearing Room, Room 1244N
1021 North Grand Avenue
Springfield, Illinois 62794

ATTENDING BOARD MEMBER: Jennifer A. Burke

HEARING OFFICER: Michael J. McCambridge
312-814-6924

For the sake of expedience, the Hearing Officer encourages the pre-submission of testimony and exhibits, but will not require such pre-submission. **Any person wishing to submit oral testimony, rather than pre-submitting testimony for introduction into the record as though read, should notify the Hearing Officer as follows:**

No later than October 28, 2013, for the November 5, 2013 hearing in Chicago, or

No later than November 5, 2013 for the November 13, 2013 hearing in Springfield.

RECEIVED
CLERK'S OFFICE

OCT 07 2013

STATE OF ILLINOIS
Pollution Control Board

HEARING OFFICER ORDER

Scope of the Hearing

The Board opened this docket pursuant to Sections 17(a), 27, and 28 of the Environmental Protection Act (Act) (415 ILCS 5/17(a), 27, and 28 (2012)) based on a September 19, 2013 rulemaking proposal filed by the Illinois Environmental Protection Agency (Agency). The Agency separately submitted the text of its proposed amendment on September 24, 2013.

The Agency seeks amendment of 35 Ill. Adm. Code 611.490(a), which is an identical-in-substance provision adopted pursuant to Sections 7.2 and 17.5 of the Environmental Protection Act (Act) (415 ILCS 5/7.2 and 17.5 (2012)) and derived from 40 C.F.R. § 141.28(a). Section 611.490(a) requires that a certified laboratory may perform chemical and physical analyses of source water and drinking water for the purposes of demonstrating compliance with the National Primary Drinking Water Regulations (NPDWRs).¹ At present, 35 Ill. Adm. Code 611.490(a) requires that the laboratories used must be certified and approved by either the United States Environmental Protection Agency (USEPA) or the Agency.

The Agency seeks addition of a provision in 35 Ill. Adm. Code 611.490(a) that would allow the use of a laboratory certified by a sister state or an agency of the federal government if the criteria for certification of that laboratory are substantially equivalent to those of Section 4(o) of the Act. 415 ILCS 5/4(o) (2012). The Agency states that its amendment is intended to accommodate the shortage of laboratories certified by the Agency or USEPA to perform radiochemical analyses.

The Board accepted the Agency proposal for hearing today. The Board order includes a fuller description of the Agency proposal, including the Agency's assessment of its prospective impacts on regulated entities.

Notice and Service List

Pursuant to 35 Ill. Adm. Code 102.422, a notice and service list will be established. Persons on the notice list will receive notice of all *Board actions and Hearing Officer orders*. 35 Ill. Adm. Code 102.422(a). In comparison, Section 102.422(b) states in part:

The hearing officer may establish a service list for any regulatory proceeding, in addition to the notice list. The hearing officer may direct participants to serve copies of all documents upon the persons listed on the service list. *** For purposes of fast-track rulemakings under Section 28.5 of the Act, participants of record will be the individuals on the service list. 35 Ill. Adm. Code 422(b).

¹ The primary drinking water standards of 35 Ill. Adm. Code 611 include the State provisions adopted using the identical-in-substance rulemaking procedure to embody the NPDWRs of 40 C.F.R. 141. See 415 ILCS 5/7.2 and 17.5 (2012).

Persons on the service list will receive notice of Board actions and Hearing Officer orders, as well as testimony and filings in the proceeding. The service list is reserved for persons who will be testifying and participating in the rulemaking. With the development of the Board's website (www.ipcb.state.il.us), Clerk's Office On-Line (COOL) system and electronic filing, all prefiled testimony, public comments, and other filings will be available for viewing and downloading expeditiously. The only exception will be voluminous filings, which will be available on request. Furthermore, with the development of COOL, persons not on the service list, who wish to file a public comment and only a public comment, need not serve their comments on the service list in this proceeding.

The following persons are on the service list:

Joanne M. Olson, Assistant Counsel
Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue, East
P.O. Box 19276
Springfield, Illinois 62794-9276

Michael J. McCambridge, Hearing Officer
Illinois Pollution Control Board
100 West Randolph St., Suite 11-500
Chicago, Illinois 60601

To be placed on either the "Notice List" or the "Service List" contact the Hearing Officer at the address or phone number below. You may also sign up using the COOL system for "e notify" as well as for the notice list. "E Notify" is a system whereby an email is automatically sent when a filing is docketed in the COOL system. This system will notify participants of filings almost immediately and the documents will be available for viewing, downloading, or printing.

Pre-filing of Testimony

The Hearing Officer will allow the submission of pre-filed testimony for the hearing. In the discretion of the Hearing Officer, pre-filed testimony will be entered into the record as if read upon request of the testifying party, after that person has been sworn on the record. Pre-filed testimony for the hearing must be served upon all persons on the service list as of the following times:

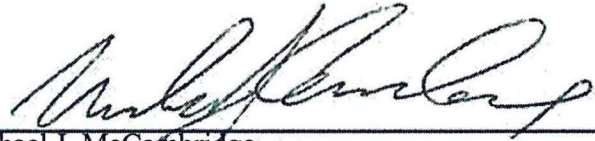
Before 4:30 p.m., October 22, 2013, for the November 5, 2013 hearing in Chicago; or

Before 4:30 p.m., October 30, 2013, for the November 13, 2013 hearing in Springfield.

The "mailbox rule" at 35 Ill. Adm. Code 101.300(b)(2) does not apply to the filing of any pre-filed testimony and the Board's Clerk must receive these documents by the dates and times specified.

Persons may receive a copy of the service list by contacting the Hearing Officer or the Clerk of the Board (312-814-3629) after 9:30 a.m. on October 22, 2013 or October 30, 2013, as applicable. Parties wishing to offer only oral testimony at hearing should notify the Board and all persons on the service list no later than the following date: October 29, 2013, for the November 5, 2013 hearing in Chicago, or November 6, 2013 for the November 13, 2013 hearing in Springfield. Participants who do not pre-file testimony or notice of testimony will be allowed to testify at the end of the hearing, time permitted.

IT IS SO ORDERED.



Michael J. McCambridge
Hearing Officer
Illinois Pollution Control Board
100 West Randolph, Suite 11-500
Chicago, Illinois 60601
(312) 814-6924
michael.mccambridge@illinois.gov