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A P P E A R A N C E S

MR. DANIEL PAULEY, Hearing Officer
MS. BARBARA FLYNN CURRIE, Chairwoman
MS. MARIE TIPSORD, General Counsel
MR. ANAND RAO, Technical Unit
MS. SHANNON BILBRUCK
MS. BRENDA CARTER
MR. TIM FOX
MS. ANASTASIA PALIVOS
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Appeared on behalf of the Illinois
Environmental Protection Agency;

E X H I B I T S

Marked for
Identification

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IPCB Exhibit No. 1.....	10
IPCB Exhibit No. 2.....	11

1 HEARING OFFICER PAULEY: We're going
2 to go ahead and start. It is 10:04 in the morning
3 and good morning and welcome to the Illinois
4 Pollution Control Board hearing.

5 My name is Daniel Pauley and I
6 am the Hearing Officer for this rulemaking
7 proceeding entitled Cross Connection Control
8 Device Inspectors of Public Water Supplies, 35
9 Ill. Adm. Code 604.1520.

10 The Board docket number for this
11 rulemaking is R20-21. Also present today from the
12 Board are in the Chicago office we have myself;
13 Marie Tipsord, general counsel; we have Tim Fox
14 that is just off camera; and Paul Grabowski is
15 running around as well.

16 In the Springfield office, we
17 have Shannon Bilbruck and Board Member Brenda
18 Carter. And then on the Webex we have Board
19 Member -- Chairman Barbara Flynn Currie, Board
20 Member Anastasia Palivos.

21 MS. BILBRUCK: That's all the Board
22 members.

23 HEARING OFFICER PAULEY: From the
24 Technical Unit, Anand Rao and Essence Brown. We

1 also have Don Brown, Chloe Cummings, Brad
2 Halloran.

3 MS. TIPSORD: Vanessa Horton.

4 HEARING OFFICER PAULEY: Yes,
5 Vanessa Horton.

6 MS. TIPSORD: Mark Kaminski.

7 HEARING OFFICER PAULEY: Mark
8 Kaminski, Richard McGill and I believe I have
9 everybody then.

10 The hearing is governed by the
11 Board's procedural rules. All information that is
12 relevant and that is not repetitious or privileged
13 will be admitted into the record.

14 Please bear in mind that any
15 questions posed today by the Board and its staff
16 are intended solely to help develop a clear and
17 complete record for the Board's decision and do
18 not reflect any decision on the proposal,
19 testimony or other questions.

20 Due to COVID-19, in addition to
21 the video conferencing, we are allowing Webex
22 participation via computer and phone. As a
23 reminder, pre-filed testimony is available to view
24 on our clerk's online -- office online, or COOL,

1 through the Board's website. Simply search the
2 docket number R20-21.

3 For the sake of our court
4 reporter, please speak clearly and avoid speaking
5 at the same time as another person so that we can
6 help produce a clear transcript. For those
7 participating by Webex either on the phone or
8 using the call me feature for sound, if you want
9 to speak during the hearing, please take your
10 phone off speakerphone and talk into the phone
11 normally as it will produce a much clearer sound.

12 If you wish to speak, you will
13 also have to unmute yourself. All individuals
14 entering the Webex feed are muted upon entry. For
15 those on a computer, you can click the microphone
16 symbol to unmute yourself. For those
17 participating as call-in users, you must press
18 Star 6 on your keypad to unmute yourself.

19 I would also like to note that
20 there may be a slight delay in the Webex video.
21 So be mindful of that when communicating with each
22 other.

23 Also as a result of using Webex,
24 we are video recording today's hearing to ensure

1 our court reporter is able to get an accurate
2 transcript.

3 MS. TIPSORD: Now we are.

4 HEARING OFFICER PAULEY: Once the
5 Board receives a transcript, the recording will be
6 destroyed. The Agency filed --

7 WEBEX SOFTWARE: This meeting is
8 being recorded.

9 HEARING OFFICER PAULEY: The Agency
10 filed an emergency rulemaking proposal with the
11 Board on April 10th, 2020. Its docket number is
12 R20-20.

13 Due to the 150-day limitation of
14 an emergency rulemaking, the Board opened this
15 general rulemaking docket. The Board published
16 notice of this hearing on May 29th, 2020, in the
17 State Journal Register and on May 28th, 2020, in
18 the Chicago Sun Times.

19 On May 27th, 2020, the Hearing
20 Officer directed participants intending to testify
21 at this hearing to pre-file their testimony by
22 June 4th, 2020. On June 3rd, 2020, the Board
23 received pre-filed testimony on behalf of the
24 Environmental Resources Training Center of

1 Southern Illinois University by Matthew Maas.

2 On June 4th, 2020, the Board
3 received pre-filed testimony on behalf of the
4 Agency by Steve Vance. No other participant
5 pre-filed testimony. At this time, we'll move
6 into any public comments.

7 Is there anybody who wishes to
8 give a public comment in the Springfield office or
9 on Webex? Remember to unmute yourself.

10 MS. TIPSORD: We don't have any
11 members of the public calling in.

12 HEARING OFFICER PAULEY: Hearing and
13 seeing none, we can go ahead and we'll start with
14 the Agency's pre-filed testimony. Section
15 104.424(f) of the Board's procedural rules
16 provides that this pre-filed testimony will be
17 entered into the record as if read, but the Agency
18 may begin with a brief introduction or summary if
19 it wishes to do so.

20 MS. ZEIVEL: The Agency has no
21 opening statement for today's proceedings, but we
22 would like to enter the Agency's pre-filed
23 testimony as if read.

24 HEARING OFFICER PAULEY: Very good.

1 Is there -- we'll have to swear in the Agency's
2 witness and then enter it as if read.

3 So would the court reporter
4 please swear in the Agency's witness.

5 WHEREUPON:

6 STEVE VANCE
7 called as a witness herein, having been first duly
8 sworn, deposeth and saith as follows:

9 MS. ZEIVEL: Mr. Vance will be
10 making two small corrections to the pre-filed
11 testimony.

12 MR. VANCE: So I'd like to on Page 3
13 under the section of Illinois Department of Public
14 Health emergency rulemaking I would like to
15 provide some corrections to the dates that were
16 used in there.

17 On the first line, under that
18 section, the March 31st should be 2020 instead of
19 2019 and then on the fifth line where it goes from
20 March 31st, 2020, to August 28th, 2020. March
21 31st, 2020, should be struck and replaced with
22 April 30th, 2020.

23 HEARING OFFICER PAULEY: Thank you.
24 And we would like to enter the testimony as an

1 Exhibit 1 to the hearing. Is there any
2 objections?

3 (Document marked as IPCB Exhibit
4 No. 1 for identification.)

5 HEARING OFFICER PAULEY: Hearing
6 none -- neither hearing none nor seeing any, I
7 grant the motion and I'm marking this document as
8 Exhibit 1 and entering it into the record.

9 So we will proceed to questions
10 for the Agency's witness. Is there any Board
11 staff or members that wish to ask Mr. Vance a
12 question? Yeah, and if you would like to ask a
13 question, remember to unmute yourself by clicking
14 the microphone on the computer or Star 6 on your
15 phone.

16 Hearing none and seeing none,
17 we'll move to any questions that anybody else who
18 is participating in the hearing may have.

19 Okay. That looks like there is
20 no questions for Mr. Vance. So we can move on to
21 the Southern Illinois University witness. And
22 just so I know, is it pronounced Maas?

23 MR. MAAS: It's pronounced Maas.

24 HEARING OFFICER PAULEY: Maas.

1 MR. MAAS: Yes, sir.

2 HEARING OFFICER PAULEY: Sorry.

3 MR. MAAS: No worries.

4 HEARING OFFICER PAULEY: Would the
5 court reporter please swear in Mr. Maas.

6 WHEREUPON:

7 MATTHEW MAAS

8 called as a witness herein, having been first duly
9 sworn, deposeth and saith as follows:

10 HEARING OFFICER PAULEY: Thank you.

11 As mentioned earlier, this pre-filed testimony
12 will also be entered into the record as if read.

13 Mr. Maas, do you wish to give a
14 brief introduction or summary?

15 MR. MAAS: No, I would just like to
16 enter it as read and let everybody know that I'm
17 available to answer any questions.

18 HEARING OFFICER PAULEY: Thank you.
19 So we would like to do a motion to enter this into
20 the record as Exhibit 2 of the hearing. Is there
21 any objection?

22 (Document marked as IPCB Exhibit
23 No. 2 for identification.)

24 HEARING OFFICER PAULEY: Hearing

1 none and seeing none, this will be entered as
2 Exhibit 2 to the hearing.

3 And if Mr. Maas is ready, we
4 will proceed to questions. Are there any members
5 of the audience who wish to ask a question?

6 MR. RAO: Mr. Pauley, this is Anand
7 Rao. I have a couple of questions for Mr. Maas.

8 HEARING OFFICER PAULEY: Go ahead.

9 MR. RAO: Good morning, Mr. Maas.

10 MR. MAAS: Good morning.

11 MR. RAO: I have a couple of
12 questions. It's mostly clarifying questions.

13 In your testimony, you note that
14 ERTC at Southern Illinois University is designated
15 by Illinois EPA to manage and process the cross
16 connection control device inspector program which
17 includes both training and certification.

18 Can you please clarify for the
19 record if ERTC has already sent the required
20 renewal forms to all CCCDI's who had approval in
21 2019?

22 MR. MAAS: Yes. So the process that
23 we -- that we take for that is with respect to the
24 approval, the actual renewal period runs from May

1 1st until June 30th of each year. Those records
2 were mailed at the beginning to the middle of
3 March.

4 So prior to the COVID crisis, we
5 would have preemptively mailed out all those
6 renewal letters notifying the CCCDI inspectors of
7 record that they do need to renew between that
8 period of May 1st and June 30th.

9 In many cases, we get some
10 renewals that come in prior to that May 1st and we
11 just begin processing accordingly.

12 MR. RAO: And you did mention in
13 your testimony that you have not heard back from a
14 large number of CCCDI inspectors at the time you
15 pre-filed your testimony.

16 Has there been any change in the
17 responses --

18 MR. MAAS: So --

19 MR. RAO: -- supplied?

20 MR. MAAS: Sure. So we're
21 continually receiving, give or take, 100 to 150
22 per week. So since then we've been picking up,
23 about 150 per week. We're operating pretty
24 normally comparatively speaking to previous years,

1 but I'm not sure how we're going to end up on the
2 high end with respect to the pandemic itself.

3 MR. RAO: Thank you. And general
4 question about CCCDI training.

5 How much does it cost a licensed
6 plumber to go to training and get a certification
7 for the CCCDI inspector?

8 MR. MAAS: So the initial training
9 is a one-week training program that you either
10 have to be a licensed plumber or you have to be a
11 water quality or licensed water operator with IEPA
12 and that costs \$575 for the one-week program and
13 that includes one week of classroom as well as
14 hands-on instruction with the IEPA certification
15 hands-on and written exam at the end of that week.

16 MR. RAO: Has there been any
17 concerns expressed by the CCCDI about meeting
18 their financial obligations to get the
19 certification because of the pandemic?

20 MR. MAAS: We have not and that's
21 mainly because the actual re-certification -- so I
22 guess I would ask for a little clarification.

23 Are you talking about just with
24 respect to paying for their re-certification or

1 are you talking with respect to monies that they
2 may lose because they're unable to test backflows?

3 MR. RAO: No, just for paying for
4 the re-certification.

5 MR. MAAS: Yes, we have not had any
6 that have called that are calling for any type of
7 financial hardship and unable to renew.

8 MR. RAO: Okay. Thank you very
9 much.

10 MR. MAAS: You're welcome.

11 MR. RAO: That's all I have.

12 HEARING OFFICER PAULEY: Thank you,
13 Mr. Rao.

14 Is there anyone else who has
15 questions for the Southern Illinois University
16 witness?

17 Hearing none and seeing none, we
18 will move on from the witness and I will open the
19 hearing back up for public comment if anyone has
20 logged in or shown up since the beginning of the
21 hearing.

22 If you would like to give public
23 comment, please unmute yourself and get myself or
24 Marie's attention here.

1 MS. TIPSORD: We have no call-in
2 users and no videos that you have not already
3 identified.

4 HEARING OFFICER PAULEY: Thank you.
5 So we'll go off the record for a minute.

6 (Whereupon, a discussion was had
7 off the record.)

8 HEARING OFFICER PAULEY: So we went
9 off the record to discuss procedural issues. The
10 next hearing is scheduled for July 13, 2020, with
11 a pre-filing deadline of June 29th, 2020.

12 Copies of the transcript of
13 today's hearing are expected to be available by,
14 Steven, do you think seven days?

15 THE COURT REPORTER: Yes.

16 HEARING OFFICER PAULEY: So the
17 transcripts are expected to be available no later
18 than Thursday, June 25th, 2020. Promptly after
19 the Board receives the transcript, it will be
20 posted to COOL from which it can be viewed and
21 printed. A reminder we will be deleting the
22 recording once we receive that transcript.

23 Are there any other matters that
24 need to be addressed at this time? Hearing none

1 and seeing none, I would like to thank everyone
2 for participating today and the first hearing is
3 adjourned.
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