

ILLINOIS POLLUTION CONTROL BOARD
June 29, 2020

IN THE MATTER OF:)
)
STANDARDS FOR THE DISPOSAL OF) R 20-19
COAL COMBUSTION RESIDUALS IN) (Rulemaking – Land)
SURFACE IMPOUNDMENTS: PROPOSED)
NEW 35 ILL. ADM. CODE 845

HEARING OFFICER ORDER

On June 24, 2020, a pre-hearing teleconference was held in this matter. This Hearing Officer Order summarizes the substance of the discussions of the teleconference.

WebEx and COVID Protections

In order to comply with the Governor’s executive orders regarding COVID-19, as they exist right now, and to make the hearing as accessible as possible, participants will be allowed:

1. to be physically present at the hearing in Springfield,
2. be allowed to participate via Cisco WebEx videoconference
3. or be able to dial in by telephone.

WebEx allows for participation via video and also via telephone. The call-in number for the hearing is not toll free. Cisco WebEx is an app that can be downloaded on to desktops, laptops, tablets or smart phones. If participants have not used it already, it was suggested that they download it and go through a simple setup process. Participants will be able to enter their name which will make it easier for Board staff members and others to identify everyone who is participating. The Board will have staff members on hand to assist in any technical issues. When we get closer to the hearings, those staff members’ contact information will be shared with the service list.

There is a general chat function in WebEx that is seen by everyone. The Board will have a staff member dedicated to monitoring the chat for questions and any raised hands. That staff member will be in the room with the Hearing Officer at the hearing so that the hearing can be paused to address any issues or questions.

If participants will be attending the hearing in person in Springfield, they will be required to do the following in order to maximize the safety of everyone in the room.

1. If participants have any symptoms of Covid-19, they must not attend the hearings in person.
2. Chairs and tables will be arranged in the room so that everyone will be stationed at least six feet apart.

3. All participants in the room will be required to keep a distance of six feet from each other.
4. Face masks will be required for anyone in the room at all times.

If participants feel they would be unable to comply with these requirements or are in a category of people who are at a higher risk, they are urged to participate in these hearings via WebEx video or telephone.

Due to video and telephone participation, the pace of these hearings will necessarily be slower than normal. To begin, in order to accommodate video and telephone participation, the hearing officer will need to pause at regular intervals to make sure participants are able to ask questions. Additionally, participants will at times need to speak to one another off the record. As for the people who will be attending in person, participants can obviously speak to one another as they normally would. The hearing officer will allow for breaks as necessary so that participants can speak privately with one another by stepping outside the room.

Should the WebEx feed in the hearing room in Springfield fail for any reason, the hearing officer will email the service list with plans for restarting the hearing.

Testimony

Witnesses will be allowed to present testimony via WebEx video, if they so choose. If there are witnesses who do not have access to WebEx video, please contact the hearing officer to potentially arrange testimony by WebEx telephone.

Any exhibit participants expect to use at hearing must be filed with the Board's Clerk 24 hours before the hearing begins. This ensures that all documents used for hearing exhibits will be accessible to anyone via the Board's website for this docket. The Board will not be sharing the hearing exhibits on screen on WebEx as the transcripts for these hearings will need to be able to be read as they normally would. Witnesses and participants must refer to the exhibits and describe the sections they are referencing so that the court reporter can establish an accurate record.

As to the order of testimony, the first hearing will be devoted primarily to IEPA testimony. The first hearing will begin with any summary of pre-filed testimony for 845.100 and then move on to questions on that section. The hearing will continue in that manner through all the sections. The hearing officer will call on the following groups for their questions after each section in this order:

1. Little Village Environmental Justice
2. Environmental Law and Policy Center/ Prairie Rivers Network/ Sierra Club
3. Midwest Generation
4. City of Springfield
5. Dynegy
6. Illinois Environmental Regulatory Group
7. Ameren

8. Office of the Illinois Attorney General
9. Pollution Control Board Technical Unit and Board members
10. Any additional groups or individuals

Public Comments

The Board will be accepting written public comment in a manner that is simplified for the public. Members of the public will be able to mail or e-mail the Board's Clerk directly with their written comments and those will be filed in the docket. The requirement that public comments be served upon the entire service list will be waived for this matter. When the comment is emailed to the clerk, the Clerk will file it in the docket.

The Board's Clerk is Don Brown and his email address is: Don.Brown@Illinois.gov. He is also available by telephone to answer any specific filing questions participants might have. His phone number is (312) 814-3461. This contact information is available on the Board's website: www.pcb.illinois.gov.

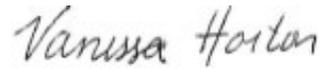
Members of the public will also be welcome to attend the hearing in person, or via WebEx Video and or telephone. Please note that the telephone number is not toll free. The transcript of the entire hearing will be posted in the docket as well and will be available for all to access. The hearing officer requests that if participants know of individuals who would like to provide oral public comment, e-mail the hearing officer so that specific time can be devoted during the second hearing for public comment.

During the June 24th call, participants noted that they had approximately 50 to 60 members of the public interested in providing public comment in this matter. To accommodate members of the public who might attend the Springfield hearing in person, it was decided that there will be time dedicated solely to public comment. For the first hearing, those public comment times will be:

**July 22, 2020, from 5 p.m. to 7 p.m.; and
July 23, 2020, from 11 a.m. to 12 p.m.**

If the hearing room is at capacity, persons wishing to make public comment will be asked to line up outside the room (in a socially distant manner) and will be ushered in to the room to make their comment. If participants will require an interpreter during the above-mentioned public comment periods in the first hearing, e-mail the hearing officer by July 15, 2020, with the formal request.

IT IS SO ORDERED.

A handwritten signature in cursive script that reads "Vanessa Horton".

Vanessa Horton
Hearing Officer
Illinois Pollution Control Board
100 West Randolph, Suite 11-500
Chicago, Illinois 60601
(312) 814-5053
Vanessa.Horton@illinois.gov