

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)
) No. R20-21
) (Rulemaking)
Cross Connection Control)
Device Inspectors of Public)
Water Supplies at 35 Ill.)
Adm. Code 604.1520)

REPORT OF THE PROCEEDINGS held in the above entitled cause before Hearing Officer Daniel Pauley, called by the Illinois Pollution Control Board, taken by Steven Brickey, CSR, RMR, for the State of Illinois, 100 West Randolph Street, Chicago, Illinois, on the 13th day of July, 2020, commencing at the hour of 1:03 p.m.

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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
MR. BRAD HALLORAN
MR. TIM FOX
MR. PAUL GRABOWSKI
MR. DON BROWN
MS. ESSENCE BROWN
MS. VANESSA HORTON
MS. CHLOE CUMMINGS
MR. MARK KAMINSKI

1 MS. TIPSORD: Good afternoon. I'm
2 calling the hearing to order. I'm located --
3 physically located in the Springfield office and
4 am opening the hearing on behalf of Daniel Pauley
5 and the Pollution Control Board.

6 Daniel Pauley is the Hearing
7 Officer and I will now defer to Mr. Pauley in the
8 Chicago office.

9 MR. PAULEY: Thank you, Marie. As
10 Maria said, my name is Daniel Pauley and I'm the
11 Hearing Officer for this rulemaking proceeding
12 entitled Rulemaking for Cross Connection Control
13 Device Inspectors of Public Water Supplies: 35
14 Ill. Adm. Code 604.1520. The Board docket number
15 for this rulemaking is R20-21.

16 As a reminder, this is the
17 second hearing for this rulemaking. The first was
18 held on June 18th, 2020. Also present today from
19 the Board are Board members -- Board member
20 Barbara Flynn Currie and Board staff in the
21 Chicago office includes myself and Tim Fox. In
22 the Springfield hearing room, we have Shannon
23 Bilbruck and Marie Tipsord and then on Webex we
24 have Anand Rao, Brad Halloran, Chloe Cummings, Don

1 Brown, Essence Brown, Paul Grabowski and Vanessa
2 Horton.

3 This hearing is governed by the
4 Board's procedural rules. All information that is
5 relevant and that is not repetitious or privileged
6 will be admitted into the record. Please bear in
7 mind that any questions posed today by the Board
8 and its staff are intended solely to help develop
9 a clear and complete record for the Board's
10 decision and do not reflect any decision on the
11 proposal, testimony or other questions.

12 Due to COVID-19, in addition to
13 the video conferencing, we are allowing Webex
14 participation via computer and phone. As a
15 reminder, everything in this docket is available
16 to view on our clerk's office online, or COOL,
17 through the Board's website. Simply search the
18 docket number R20-21. And Mark Kaminski from the
19 Board also has joined us.

20 For the sake of our court
21 reporter, please speak clearly and avoid speaking
22 at the same time as another person so that we may
23 have -- can help produce a clear transcript. For
24 those participating by Webex either on the phone

1 or using the call me feature for sound, if you want
2 to speak during the hearing, please take your
3 phone off speakerphone and talk into the phone
4 normally as it will produce a much clearer sound.
5 If you wish to speak, you will also have to unmute
6 yourself. All individuals entering the Webex feed
7 are muted upon entry.

8 For those on a computer, you can
9 click the microphone symbol to unmute yourself.
10 For those participating as call-in users, you must
11 press Star 6 on your keypad to unmute yourself. I
12 would also like to note that there may be a slight
13 delay in the Webex video so be mindful of that
14 when communicating with each other.

15 Also as a result of using Webex,
16 we are video recording today's hearing to ensure
17 our court reporter is -- to ensure our court
18 reporter is able to get an accurate transcript.
19 Once the Board receives the transcript, the
20 recording will be destroyed.

21 The Agency filed an emergency
22 rulemaking proposal with the Board on April 10th,
23 2020. Its docket number is R20-20. Due to the
24 150-day limitation on an emergency rulemaking, the

1 Board opened this general rulemaking docket. The
2 Board published notice of this hearing on May
3 29th, 2020, in the State Journal Register and May
4 28th, 2020, in the Chicago Sun Times.

5 On May 27th, 2020, the Hearing
6 Officer directed participants intending to testify
7 at this hearing to pre-file their testimony by
8 June 29th, 2020. The Board received no pre-filed
9 testimony for this hearing. Under Section
10 102.424(g) of the Board's procedural rules,
11 testimony that is not pre-filed is allowed as time
12 permits and where it will not prejudice another
13 participant.

14 After the end of any testimony
15 and questions based upon it, any persons wishing
16 to offer a public comment may do so as time
17 permits.

18 So, for the record, is there
19 anyone present here today who did not pre-file
20 testimony, but does wish to offer testimony?
21 Hearing and seeing none, we will move to public
22 comment on the proposal.

23 Is there anyone here who wishes
24 to give a public comment regarding this

1 rulemaking? Hearing and seeing none, and seeing
2 no members of the public on Webex or in either
3 office, let's move on to the issue of the Economic
4 Impact Statement.

5 Section 27(b) of the
6 Environmental Protection Act provides that the
7 Board must request that the Department of Commerce
8 and Economic Opportunity conduct an Economic
9 Impact Study of proposed rules before the Board
10 adopts the rules. The Board must make either the
11 Economic Impact Study or the department's
12 explanation for not conducting one available to
13 the public at least 20 days before a public
14 hearing.

15 In a letter dated May 5th, 2020,
16 the Board's Chairman, Barbara Flynn Currie,
17 requested that DCEO conduct an Economic Impact
18 Study of this rulemaking proposal. The Board
19 specifically requested a response no later than
20 June 22nd, 2020. The Board received no response
21 from DCEO to this request.

22 Is there anyone present today
23 who would like to testify regarding the Board's
24 request for a study and DCEO's response? Neither

1 seeing nor hearing any, let me determine quickly
2 if there's anyone present in the Springfield
3 office or Webex who wishes to testify or comment
4 today? Neither seeing nor hearing anyone who
5 does, let's move on to procedural issues.

6 Copies of this transcript are
7 expected to be available at the Board by July
8 20th, 2020. Once it is filed with the Board, the
9 transcript will be posted promptly to the Board's
10 website under this docket number R20-21. Before
11 it takes any action on the Agency's proposal, the
12 Board will hold open a post comment hearing
13 period.

14 Due to the time constraints of
15 the 150-day emergency rule timeline and because
16 there was no testimony or public comment in the
17 second hearing, we will shorten the post-hearing
18 comment period having it end on July 22nd, 2020.
19 That is under 35 Ill. Adm. Code 102.108(b). I
20 will issue a Hearing Officer order confirming this
21 deadline to submit comments in the next couple of
22 days.

23 Filings with the Board, whether
24 paper or electronic, must also be served on the

1 Hearing Officer and on those persons on the
2 service list. Before filing, please check on COOL
3 or with the Board's clerk to ensure you have the
4 most recent version of the service list.

5 Are there any other matters that
6 need to be addressed at this time? Seeing none, I
7 would like to thank everyone for participating
8 today. The second and final hearing is adjourned.

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1 BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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3 I, Steven Brickey, Certified Shorthand
4 Reporter, do hereby certify that I reported in
5 shorthand the proceedings had at the trial
6 aforesaid, and that the foregoing is a true,
7 complete and correct transcript of the proceedings
8 of said trial as appears from my stenographic
9 notes so taken and transcribed under my personal
10 direction.

11 Witness my official signature in and for
12 Cook County, Illinois, on this _____ day of
13 _____, A.D., 2020.

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<hr/> A <hr/> A.D 10:13 able 5:18 accurate 5:18 Act 7:6 action 8:11 addition 4:12 addressed 9:6 adjourned 9:8 Adm 1:6 3:14 8:19 admitted 4:6 adopts 7:10 aforsaid 10:6 afternoon 3:1 Agency 5:21 Agency's 8:11 allowed 6:11 allowing 4:13 Anand 2:3 3:24 appears 10:8 April 5:22 available 4:15 7:12 8:7 avoid 4:21 <hr/> B <hr/> Barbara 2:2 3:20 7:16 based 6:15 bear 4:6 behalf 3:4 Bilbruck 2:4 3:23 Board 1:1,8 3:5 3:14,19,19,19,20 4:7,19 5:19,22 6:1,2,8 7:7,9,10 7:18,20 8:7,8,12 8:23 10:1 Board's 4:4,9,17 6:10 7:16,23 8:9 9:3 Brad 2:4 3:24 Brickey 1:8 10:3 10:18	Brown 2:6,6 4:1,1 <hr/> C <hr/> C 2:1 call 5:1 call-in 5:10 called 1:8 calling 3:2 cause 1:7 Certified 10:3 certify 10:4 Chairman 7:16 Chairwoman 2:2 check 9:2 Chicago 1:9 3:8 3:21 6:4 10:20 Chloe 2:7 3:24 clear 4:9,23 clearer 5:4 clearly 4:21 clerk 9:3 clerk's 4:16 click 5:9 Code 1:6 3:14 8:19 commencing 1:10 comment 6:16,22 6:24 8:3,12,16 8:18 comments 8:21 Commerce 7:7 communicating 5:14 complete 4:9 10:7 computer 4:14 5:8 conduct 7:8,17 conducting 7:12 conferencing 4:13 confirming 8:20 Connection 1:4 3:12 constraints 8:14 Control 1:1,4,8 3:5,12 10:1 Cook 10:12	COOL 4:16 9:2 Copies 8:6 correct 10:7 Counsel 2:3 County 10:12 couple 8:21 court 4:20 5:17,17 COVID-19 4:12 Cross 1:4 3:12 CSR 1:8 10:18,21 Cummings 2:7 3:24 Currie 2:2 3:20 7:16 <hr/> D <hr/> Daniel 1:7 2:2 3:4 3:6,10 dated 7:15 day 1:9 10:12 days 7:13 8:22 DCEO 7:17,21 DCEO's 7:24 deadline 8:21 decision 4:10,10 defer 3:7 delay 5:13 Department 7:7 department's 7:11 destroyed 5:20 determine 8:1 develop 4:8 Device 1:5 3:13 directed 6:6 direction 10:10 docket 3:14 4:15 4:18 5:23 6:1 8:10 Don 2:6 3:24 Due 4:12 5:23 8:14 <hr/> E <hr/> E 2:1,1 Economic 7:3,8,8	7:11,17 either 4:24 7:2,10 electronic 8:24 emergency 5:21 5:24 8:15 ensure 5:16,17 9:3 entering 5:6 entitled 1:7 3:12 entry 5:7 Environmental 7:6 Essence 2:6 4:1 expected 8:7 explanation 7:12 <hr/> F <hr/> feed 5:6 filed 5:21 8:8 filing 9:2 Filings 8:23 final 9:8 first 3:17 Flynn 2:2 3:20 7:16 foregoing 10:6 Fox 2:5 3:21 future 5:1 <hr/> G <hr/> general 2:3 6:1 give 6:24 Good 3:1 governed 4:3 Grabowski 2:5 4:1 <hr/> H <hr/> Halloran 2:4 3:24 hearing 1:7 2:2 3:2,4,6,11,17,22 4:3 5:2,16 6:2,5 6:7,9,21 7:1,14 8:1,4,12,17,20 9:1,8 held 1:7 3:18 help 4:8,23	hold 8:12 Horton 2:7 4:2 hour 1:10 <hr/> I <hr/> Ill 1:5 3:14 8:19 Illinois 1:1,8,9,9 10:1,12,20 Impact 7:4,9,11 7:17 includes 3:21 individuals 5:6 information 4:4 Inspectors 1:5 3:13 intended 4:8 intending 6:6 issue 7:3 8:20 issues 8:5 <hr/> J <hr/> joined 4:19 Journal 6:3 July 1:9 8:7,18 June 3:18 6:8 7:20 <hr/> K <hr/> Kaminski 2:8 4:18 keypad 5:11 <hr/> L <hr/> let's 7:3 8:5 letter 7:15 limitation 5:24 list 9:2,4 located 3:2,3 <hr/> M <hr/> Maria 3:10 Marie 2:3 3:9,23 Mark 2:8 4:18 MATTER 1:3 matters 9:5 member 3:19
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