

ILLINOIS POLLUTION CONTROL BOARD  
September 14, 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 September 14, 2020, a pre-hearing teleconference was held in this matter. This Hearing Officer Order summarizes the substance of the discussions of the teleconference.**

**Order of Witnesses**

The following is a list describing the order in which witnesses will be called on to be sworn in and testify during the second hearing in this matter.

1. Dulce Ortiz
2. Mark Hutson
3. Andrew Rehn
4. Scott Payne and Ian Magruder
5. Cynthia Vodopivec
6. Lisa Bradley
7. Melinda Hahn
8. Rudolph Bonaparte
9. David Hagen
10. Andrew Bittner
11. Mark Rokoff
12. Sharene Shealy
13. Richard Gnat
14. David Nielson
15. Gary King
16. Michael Wagstaff
17. Jo Lakota (will be sworn in to enter testimony on September 30, 2020, at 9 a.m.)

**Testimony**

Participants stated that at this time, all witnesses are planning to testify via WebEx. Please be advised that witnesses are expected to appear on video, if presenting sworn testimony. If a witness is unable to participate by video, please inform the Hearing Officer. After being duly sworn in, witnesses will be asked whether they would like to provide a short summary of their testimony. Should they choose to do so, that summary will be limited to five minutes.

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.

As to the order of questions, we will proceed in a similar manner during the second hearing as we did in the first. Each group of participants will be called on to ask questions of the individual witnesses. The hearing will continue in that manner through all the witnesses. The hearing officer will call on the following groups for their questions after each section in this order:

1. IEPA
2. Little Village Environmental Justice /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**

During the second hearings, there will be time dedicated solely to public comment. Those public comment times will be:

**September 30, 2020, from noon to 1:30 p.m.; and  
October 1, 2020, from 5:30 p.m. to 7 p.m. via WebEx only.**

Participants representing the Environmental Groups asked about the possibility of streaming the public comment portion of the second hearing on Facebook. The Hearing Officer directs participants to 35 Ill. Adm. Code 101.606:

### **Section 101.606 Informal Recordings of the Proceedings**

Informal recording of Board proceedings is allowed as provided for in this Section. The hearing officer may prohibit audio or video recording at hearing if a witness refuses to testify on the grounds that the witness must not be compelled to testify if any portion of the testimony is to be broadcast or televised. If the hearing officer determines that recording is disruptive or detrimental to proper development of the record, the hearing officer may limit or prohibit audio and video recording.

The Environmental Groups indicated that they would file a motion to the Hearing Officer requesting permission to livestream the public comment portion of the hearing on Facebook. Any objections to that motion will be due September 22, 2020.

IT IS SO ORDERED.

*Vanessa Horton*

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