

ILLINOIS POLLUTION CONTROL BOARD
November 30, 2021

IN THE MATTER OF:)
)
AMENDMENTS TO 35 ILL. ADM. CODE) R18-25
SUBTITLE E: AGRICULTURE RELATED) (Rulemaking – Water)
POLLUTION)

NOTICE OF HEARING

On July 29, 2021, the Board proposed amendments to Subtitle E for public comment. The first hearing in this rulemaking was held in Chicago on October 12, 2021. A second hearing was scheduled for November 17, 2021, but had to be cancelled due to the unavailability of the court reporting service. Today, we set a new date for the second hearing, to be held in Springfield with a videoconference link to the Board’s conference room in Chicago.

The Board’s procedural rules provide that “[a]ny Board hearing may be held by videoconference.” The rules list factors that hearing officers consider when determining whether to hold a hearing by videoconference. 35 Ill. Adm. Code 101.600(b).

Based on the nature of its proposal for public comment, the Board does not expect the required hearing to be lengthy, complex, or contentious. The Board expects that its videoconference facilities will accommodate attendance and participation at this hearing. Finally, a videoconference hearing would reduce the time and cost of travel for the Board, its court reporter, and such potential participants as the Illinois Environmental Protection Agency (IEPA) and regulated entities. Having considered these factors, the Board concludes to conduct the second required hearing by videoconference between its offices in Chicago and Springfield. 35 Ill. Adm. Code 101.600(b).

DATE, TIME, AND LOCATIONS:

SECOND HEARING: Thursday, January 6, 2022, beginning at 9:00 AM

BY VIDEOCONFERENCE BETWEEN

IPCB CHICAGO HEARING ROOM and IPCB SPRINGFIELD HEARING ROOM

Conference Room 11-512
James R. Thompson Center
100 W. Randolph Street

Conference Room 1244N, First Floor
1021 N. Grand Ave. E.
North Entrance

PURPOSE OF HEARING: Merit and Economic
PRESIDING BOARD MEMBER: Jennifer A. Van Wie
HEARING OFFICER: Mark Kaminski

In compliance with the Americans with Disabilities Act and other applicable federal and State laws, the hearing will be accessible to individuals with disabilities. Persons requiring auxiliary aids and services should contact Don Brown, Clerk of the Board, at 100 West Randolph St., Suite 11-500, Chicago, Illinois 60601, at telephone number (312) 814-3620, fax number (312) 814-3669, or TDD number (866) 323-1677, five days prior to the hearing.

HEARING OFFICER ORDER

The Board will conduct a second hearing to allow IEPA and any other interested participants to testify and comment on the merits and economic impact of the proposed rule. See 415 ILCS 5/28(a) (2020); 35 Ill. Adm. Code 102.412(a).

Hearing and Pre-filed Testimony

The Board's July 29, 2021 proposal for public comment welcomes comment on all aspects of the proposal. Participants pre-filing testimony for the second hearing are directed to serve it on all persons on the Service List at the time of pre-filing. See 35 Ill. Adm. Code 102.424(c). Before filing any document with the Board's Clerk, please obtain the current version of the Service List through the Clerk's Office On-Line (COOL) on the Board's Web site (<https://pcb.illinois.gov/>) or by calling the Clerk's Office at 312-814-3461. Documents may generally be served by e-mail if the recipient has consented to e-mail service and has not revoked consent. 35 Ill. Adm. Code 101.1060. Participants in this rulemaking are encouraged to provide consent to e-mail service of documents. See 35 Ill. Adm. Code 101.1070(a).

All persons wishing to testify the hearing will be sworn in and subject to questioning. 35 Ill. Adm. Code 102.428(a). At the hearing, all pre-filed testimony will be entered into the record as if read. See 35 Ill. Adm. Code 102.424(f). A brief introduction or summary of the pre-filed testimony will be allowed if a witness wishes to provide one before responding to questions.

For this videoconference hearing, the Board's rules require that any document to be offered as a hearing exhibit must be received by the Clerk's Office at least 24 hours before the scheduled start of the hearing. 35 Ill. Adm. Code 102.424(h). If not filed at least 24 hours before the scheduled start of the videoconference hearing, the document will not be admitted as an exhibit at the hearing but may be filed as a public comment after the hearing. *Id.*

Unless the Board, hearing officer, Clerk, or procedural rules provide otherwise, all documents in this proceeding must be filed electronically through COOL. 35 Ill. Adm. Code 101.302(h), 101.1000(c), 101.Subpart J

Second Hearing

Participants who intend to testify at the second hearing are directed to pre-file all their testimony and related exhibits no later than Thursday, December 30, 2021. See 35 Ill. Adm. Code 102.424(a).

Although Section 27 of the Act (415 ILCS 5/27 (2020)) does not set the order of the hearing, the hearing officers intend to begin the first hearing with witnesses who pre-filed testimony. See 35 Ill. Adm. Code 102.428(c). After those witnesses have testified and responded to questions, participants who did not pre-file testimony may testify as time allows.

Participants wishing to offer a public comment will be allowed to do so as time allows before the end of a hearing. Participants may also file post-hearing comments electronically. *See* 35 Ill. Adm. Code 102.108(b).

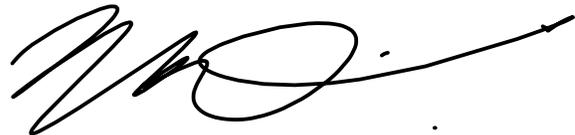
In a letter dated September 17, 2021, the Board's Chair requested that the Department of Commerce and Economic Opportunity (DCEO) conduct an economic impact study of the amended proposal and respond to the request by November 1, 2021. In a letter dated October 22, 2021, the DCEO declined to perform an economic impact study as provided for in Section 27(b) of the Act. *See* 415 ILCS 5/27(b) (2020).

Service and Notice Lists

The Board has established and will maintain both a Notice List and Service List for this proceeding. The Notice List includes participants who wish to receive only the Board's opinions and orders and hearing officer orders. 35 Ill. Adm. Code 102.422(a). The Service List includes participants who expect to participate more actively and wish also to receive other filings such as pre-filed testimony. *See* 35 Ill. Adm. Code 102.422(b).

Note that any interested person may request electronic notice of filings by providing an email address through COOL under this docket number R18-25. This electronic notice includes notice of filing of documents that are not typically provided to persons on the Notice List. In addition, COOL provides links to documents filed with the Board, and those documents can be viewed, downloaded, and printed free of charge as soon as they are posted to the Board's web site.

IT IS SO ORDERED.



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