

ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)	
)	
FINANCIAL ASSURANCE)	R10-09
INSTRUMENTS - RENEWAL AND)	
TERMS: AMENDMENTS TO)	RECEIVED
35 ILL. ADM. CODE)	CLERK'S OFFICE
807.SUBPART F, 810.104 AND)	JUL 27 2010
811.SUBPART G)	STATE OF ILLINOIS
)	Pollution Control Board

REPORT OF PROCEEDINGS held in the
above-entitled cause before Hearing Officer Daniel
Robertson, called by the Illinois Pollution Control
Board, taken before Laura Mukahirn, CSR, a notary
public within and for the County of Cook and State
of Illinois, at the James R. Thompson Center, 100
West Randolph Street, Room 9-040, Chicago, Illinois,
on the 15th day of July, 2010, commencing at the
hour of 1:00 p.m.

A P P E A R A N C E S:

MR. DANIEL ROBERTSON, Hearing Officer
MR. TANNER GIRARD, Chairman
MS. MARIE TIPSORD, Attorney
MR. GARY BLANKENSHIP, Member
MS. ANDREA MOORE, Member
MR. THOMAS E. JOHNSON, Member
MS. CARRIE ZALEWSKI, Member
Appearing on behalf of the Illinois
Pollution Control Board

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
(217) 782-6494

BY: MS. STEPHANIE FLOWERS
On behalf of the Agency

1 HEARING OFFICER ROBERTSON: I believe
2 we can go on the record now. Good afternoon,
3 all. We are here today for the second
4 hearing in this proceeding entitled In the
5 Matter of Financial Assurance Instruments
6 Renewal and Terms Amendments to 35 Illinois
7 Administrative Code 807, Subpart F, 810.104,
8 and 811 Subpart G. This matter is listed as
9 R10-9 in the board's docket. My name is
10 Daniel Robertson and I've been appointed by
11 the board as the hearing officer in this
12 proceeding.

13 With me today is the presiding
14 board member Gary Blankenship, and to his
15 left is Acting Chairman Tanner Girard and
16 Member Tom Johnson. And then on my right is
17 Attorney Marie Tipsord, board member Andrea
18 Moore, and board member Carrie Zalewski.

19 A hearing was held on May 11,
20 2010, in Springfield. The purpose of today's
21 hearing is to hear prefiled testimony from
22 the proponent, the Illinois Environmental
23 Protection Agency. This testimony was filed
24 on June 15, 2010, and has been made

1 publically available on the Board's website.
2 To date, no other testimony has been filed
3 since the first hearing. Unless there is any
4 objection, all testimony will be taken as
5 though heard and we will begin with questions
6 immediately. If you wish to ask a question,
7 please put your hand up and wait for me to
8 acknowledge you. After I've acknowledged
9 you, please state your name and whom you
10 represent before you begin your questions.
11 It is important that you only speak one at a
12 time to ensure that the court reporter is
13 able to get all of your questions on the
14 record. Please also note that any question
15 asked by a board member or staff is intended
16 to help build a complete record for the
17 Board's decision and not to express any
18 preconceived notion or bias.

19 If there is time at the end of the
20 day, the Board will allow any person who did
21 not prefile testimony to have an opportunity
22 to testify if they so wish to.

23 At this point, would the Agency
24 like to make any opening statements before we

1 proceed to testimony?

2 MS. FLOWERS: No. I would like to ask
3 that the Errata Sheet No. 1 be entered as
4 Exhibit 2 as well.

5 HEARING OFFICER ROBERTSON: Okay. Are
6 there any objections?

7 Okay. At this time I will enter
8 Errata Sheet No. 1 as Exhibit 2 to this
9 proceeding.

10 Would anyone else like to make any
11 opening statements?

12 Seeing none, we will now proceed
13 to testimony starting with the Agency. Will
14 the court reporter please swear in the
15 Agency's witness.

16 (Witness sworn.)

17 HEARING OFFICER ROBERTSON: Mr. White,
18 is this prefiled testimony of Brian White a
19 true and correct copy of your testimony
20 today?

21 MS. WHITE: Yes, it is.

22 HEARING OFFICER ROBERTSON: Are there
23 any objections to admitting the testimony as
24 read?

1 Okay. Seeing none, at this point
2 I will enter the prefiled testimony of Brian
3 White as Exhibit 3 to this proceeding.

4 Do any members of the public have
5 any questions regarding Mr. White's
6 testimony?

7 Seeing no questions from the
8 public, do any members of the board or board
9 staff have any questions?

10 Seeing none, at this point would
11 anyone else like to testify on any other
12 matter in this proceeding?

13 At this point I would like to go
14 off the record and set the next set of dates.

15 (Off the record.)

16 HEARING OFFICER ROBERTSON: We can go
17 back on the record now. Thank you.

18 So the final comments in this
19 proceeding, the date has been set as August
20 16, 2010. And with that, I would like to
21 thank everybody for their time in attending
22 this matter today, and the hearing is now
23 adjourned.

24 (Meeting adjourned.)

1 STATE OF ILLINOIS)
) SS.
2 COUNTY OF COOK)

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4 I, LAURA MUKAHIRN, being a Certified
5 Shorthand Reporter doing business in the City of
6 Chicago, Illinois, County of Cook, certify that I
7 reported in shorthand the proceedings had at the
8 foregoing hearing of the above-entitled cause. And
9 I certify that the foregoing is a true and correct
10 transcript of all my shorthand notes so taken as
11 aforesaid and contains all the proceedings had at
12 the said meeting of the above-entitled cause.

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LAURA MUKAHIRN, CSR
CSR NO. 084-003592

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