

ILLINOIS POLLUTION CONTROL BOARD

October 28, 2010

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STATE OF ILLINOIS
Pollution Control Board

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| IN THE MATTER OF: |) | |
| |) | |
| WATER QUALITY STANDARDS AND |) | R08-9 (C) and (D) |
| EFFLUENT LIMITATIONS FOR THE |) | (Rulemaking - Water) |
| CHICAGO AREA WATERWAY SYSTEM |) | |
| AND LOWER DES PLAINES RIVER |) | |
| PROPOSED AMENDMENTS TO 35 ILL. |) | |
| ADM. CODE 301, 302, 303, and 304 |) | |

HEARING OFFICER ORDER

Having previously scheduled hearings to hear testimony on the issue of Asian Carp, a prehearing conference was held today to address two motions that have been filed and to set the order for testimony and questions. First with regards to the pending motions, the Illinois Environmental Protection Agency (IEPA) on October 25, 2010, filed motions to strike the prefiled testimony of: 1) James Huff, filed on behalf of Citgo Petroleum Corporation and PDV Midwest, LLC. (Citgo/PDV), and 2) members of the American Waterway Operators (AWO).

During the prehearing conference both motions were discussed by participants including representatives of the IEPA, Citgo/PDV, and AWO. The participants agreed that Mr. Huff's testimony should be heard during later hearings in Subdocket C and not at the hearings scheduled to begin on November 8, 2010. Therefore, the motion to strike Mr. Huff's testimony is denied.

A representative of AWO indicated that his members did wish to testify and would appear to testify. The IEPA asked that the testimony be stricken as the testimony was not served on the service list. After consideration of the arguments, the motion to strike is denied. However, because AWO failed to serve the participants with the prefiled testimony, the members of AWO will testify after all other prefiled testimony has been heard at the November hearings. Further, no questions need be prefiled for the members of AWO.

The following is the scheduled order for the witnesses:

Testimony by: Robin Garibay, for Citgo Petroleum Corporation and PDV Midwest, LLC

Questions from: IEPA then Midwest Generation

Testimony by: Julia Wozniak, for Midwest Generation LLC

Questions from: IEPA, then Environmental Law and Policy Center (ELPC), then Stepan Company

Testimony by: Greg Seegert, for Midwest Generation LLC

Questions from: IEPA, then ELPC, then Stepan Company

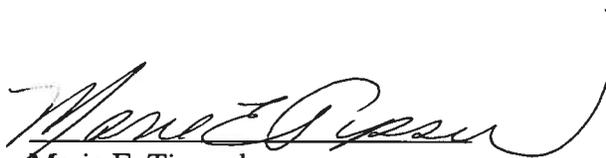
Testimony by: Jennifer Wasik, for Metropolitan Water Reclamation District of Greater Chicago

Questions from: IEPA, then ELPC, then Midwest Generation.

Testimony by: American Waterway Operators

All filings in this proceeding will be available on the Board's web page at www.ipcb.state.il.us and participants may file electronically on the Board's web page.

IT IS SO ORDERED.



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