

ILLINOIS POLLUTION CONTROL BOARD  
July 17, 2013

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STATE OF ILLINOIS  
Pollution Control Board

IN THE MATTER OF: )  
)  
PROCEDURAL RULES FOR )  
ALTERNATIVE THERMAL EFFLUENT )  
LIMITATIONS UNDER SECTION 316(a) OF ) R13-20  
THE CLEAN WATER ACT: PROPOSED ) (Rulemaking - Water)  
NEW 35 ILL. ADM. CODE PART 106, )  
SUBPART K AND AMENDED SECTION )  
304.141(c) )

**NOTICE OF HEARINGS**

DATE, TIME AND LOCATION:

TUESDAY, AUGUST 27, 2013

11:00 AM  
Illinois Pollution Control Board Conference Room, Room 1244N  
1021 N. Grand Avenue East  
Springfield, Illinois 62794

WEDNESDAY, OCTOBER 16, 2013

11:00 AM  
Room N-502  
Michael A. Bilandic Building  
160 N. LaSalle Street  
Chicago, Illinois 60601

PURPOSE OF HEARINGS: Merit and Economic

ATTENDING BOARD MEMBER: Jennifer A. Burke

HEARING OFFICER: Daniel L. Robertson

**HEARING OFFICER ORDER**

On June 20, 2013, the Illinois Environmental Protection Agency (Agency) filed a rulemaking proposing procedural rules for establishing alternative thermal effluent limitations under Section 316(a) of the Clean Water Act (CWA) and 35 Ill. Adm. Code 304.141. The rulemaking was filed pursuant to Sections 13, 26 and 28 of the Environmental Protection Act (Act) (415 ILCS 5/13, 26 and 28 (2010)) and Section 102.202 of the Board's procedural rules (35 Ill. Adm. Code 102.202).

The Agency states that the proposal will provide procedural rules for establishing alternative thermal effluent limitations under Section 316(a) of the CWA and 35 Ill. Adm. Code 304.141. The proposal will also update Section 304.141 of the Board's regulations to include a cross-reference to the new Subpart K and to update language to reflect the United States Environmental Protection Agency (USEPA) delegation of permitting authority to the Agency.

The Board will conduct two hearings in order to allow the Agency and any other interested participants the opportunity to present testimony on the merits and economic impact of the proposal. *See* 415 ILCS 5/28(a) (2010). At hearing, all persons who wish to testify will be sworn in and subject to questioning.

### **Pre-Filing Deadlines**

Participants who intend to testify at hearing are urged to pre-file their testimony and are directed to serve pre-filed testimony on all persons on the Service List. Before filing pre-filed testimony or any other document with the Clerk, please check with the Board's Clerk to obtain the most recent version of the Service List.

Testimony for the August 27, 2013 hearing must be pre-filed by August 16, 2013. Testimony for the October 16, 2013 hearing must be pre-filed by October 11, 2013. All filings must be served on the persons on the service list.

The "mailbox rule" at 35 Ill. Adm. Code 101.300(b)(2) does not apply to the filing of any pre-filed testimony and the Board's Clerk must receive these documents before the close of business on these deadlines. Documents may be filed electronically through the Clerk's Office On-Line (COOL) from the Board's web page at [www.ipcb.state.il.us](http://www.ipcb.state.il.us). 35 Ill. Adm. Code 101.302(d). Any questions about electronic filing through COOL should be directed to the Clerk's Office at (312) 814-3629.

### **Order of Hearing**

At hearing, all pre-filed testimony will be entered into the record as if read. *See* 35 Ill. Adm. Code 102.424(f). The hearing officer intends to begin the hearing by allowing the Agency as the proponent to present the pre-filed testimony of all of its witnesses. A witness may offer a brief summary of pre-filed testimony if he or she wishes to provide one before turning to questions. After the Agency's witnesses address questions from other participants, other persons who have pre-filed testimony will testify. Participants who do not pre-file testimony will be allowed to testify after the conclusion of pre-filed testimony and questions based upon it.

Any participant who wishes to offer a public comment at the hearing will be allowed to do so at the close of pre-filed testimony and questions based upon it. In addition, the Board's procedural rules include an opportunity to file post-hearing comments. *See* 35 Ill. Adm. Code 102.108(b).

### **Service and Notice Lists**

The Service List for this rulemaking is the list of persons who wish to participate actively in this proceeding and receive not only the Board's opinions and orders but also other filings such as pre-filed testimony and public comments. The Notice List includes participants who wish to receive only the Board's opinions and orders and hearing officer orders.

Note that interested persons may now request electronic notice of filings by providing their e-mail address through COOL under this docket number R13-20. This electronic notice includes notice of the 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. For more information about the option of electronic notice or COOL, please consult either the Board's Web site at [www.ipcb.state.il.us](http://www.ipcb.state.il.us) or John Therriault, the Board's Clerk, at (312) 814-3629.

IT IS SO ORDERED.



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