

ILLINOIS POLLUTION CONTROL BOARD  
August 23, 2017

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STATE OF ILLINOIS  
Pollution Control Board

IN THE MATTER OF: )  
)  
PUBLIC WATER SUPPLIES: PROPOSED ) R18-17  
NEW 35 ILL. ADM. CODE 604 AND ) (Rulemaking - Water)  
AMENDMENTS TO 35 ILL. ADM. CODE )  
PARTS 601, 602, 607, AND 611 )

**NOTICE OF HEARINGS**

**DATES, TIMES, AND LOCATIONS:**

**FIRST HEARING:** Tuesday, October 17, 2017 at 10:00 AM

Chestnut Conference Room, Bureau of Land  
Environmental Protection Agency  
1021 N. Grand Ave. E., Springfield

North Entrance (from Converse St.) OR Main/Atrium Entrance (N. Grand Ave.)  
Visitor parking or open space in Lot C Visitor parking or open space in Lot A  
From both entrances, check in at Security, receive Visitor's ID, and get directions to hearing.

**SECOND HEARING:** Thursday, November 16, 2017 at 9:00 AM

Please note that there is a regular Board meeting scheduled at 11:00 AM on this date. If necessary, the hearing officer will recess the hearing for that meeting.

**BY VIDEOCONFERENCE BETWEEN**

IPCB CHICAGO HEARING ROOM  
Room 11-512  
James R. Thompson Center  
100 W. Randolph Street

IPCB SPRINGFIELD HEARING ROOM  
Conference Room 1244 N, 1st Floor  
1021 N. Grand Ave. E.  
North Entrance

The Board recently amended its procedural rules to provide that “[a]ny Board hearing may be held by videoconference.” The amended rule provides a number of factors that a hearing officer will consider in determining whether to hold a hearing by videoconference. 35 Ill. Adm. Code 101.600(b); see Procedural Rule Amendments: Proposed Amendments to 35 Ill. Adm. Code 101 through 125, R16-17, slip op. at 31 (May 19, 2016).

The Board has accepted for hearing a rulemaking proposal presenting some size and complexity. The regulation of community water supplies is matter of general current public interest, and there may be some dispute over these matters at hearing. However, videoconference hearings reduce travel costs for Board members and staff, witnesses, and

participants. Reducing travel between Chicago and Springfield would also be a more efficient use of time by the participants. To balance these considerations, the Board will conduct the second hearing by videoconference between its offices. 35 Ill. Adm. Code 101.600(b).

PURPOSE OF HEARINGS: Merit and Economic  
 PRESIDING BOARD MEMBERS: Cynthia M. Santos and Brenda K. Carter  
 HEARING OFFICER: Timothy Fox

### **HEARING OFFICER ORDER**

On August 3, 2017, the Illinois Environmental Protection Agency (IEPA) proposed that the Board amend its public water supplies rules by adopting a new Part 604 (Design, Operation and Maintenance Criteria) and amending Parts 601, 602, 607, and 611. *See* 35 Ill. Adm. Code 601 (Introduction), 602 (Permits), 607 (Operation and Recordkeeping), 611 (Primary Drinking Water Standards). Accompanying the proposal were documents including a Statement of Reasons (SR).

On August 17, 2017, the Board accepted the proposal for hearing and directed the assigned hearing officer to schedule and proceed to hearing.

### **Hearings and Pre-Filed Testimony**

The Board will conduct two hearings to allow IEPA and any other interested participants to testify and present comments on the merits and economic impact of the proposal. *See* 415 ILCS 5/28(a) (2016). All persons wishing to testify at hearing will be sworn in and subject to questioning. 35 Ill. Adm. Code 102.428(a).

Unless the Board, hearing officer, Clerk, or procedural rules provide otherwise, all documents in this proceeding must be filed electronically through the Clerk's Office On-Line (COOL). 35 Ill. Adm. Code 101.302(h), 101.1000(c), 101.Subpart J. Documents may generally be served by e-mail if the recipient has consented to e-mail service and has not revoked the 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).

Participants pre-filing testimony for either of the two hearings are directed to serve the pre-filed testimony 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, please obtain the current version of the Service List through COOL on the Board's Web site ([www.ipcb.state.il.us](http://www.ipcb.state.il.us)) or by calling the Clerk's Office at 312-814-3629.

For both hearings, all pre-filed testimony and questions will be entered into the record as if read. *See* 35 Ill. Adm. Code 102.424(f). A brief introduction to or summary of the testimony will be allowed if a witness wishes to provide one before responding to questions.

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

The Board will also receive testimony on any economic impact study conducted by the Department of Commerce and Economic Opportunity (DCEO) on the proposed rules or on DCEO's decision not to perform a study. *See* 415 ILCS 5/27(b) (2016).

### **First Hearing**

As indicated by the notice above, the first hearing will take place in Springfield beginning at 10:00 AM on Tuesday, October 17, 2017.

Participants who intend to testify at the first hearing are directed to pre-file all of their testimony and any related exhibits no later than Thursday, September 7, 2017. *See* 35 Ill. Adm. Code 102.424(a).

To expedite the first hearing and make it more efficient, participants are directed to pre-file written questions based on any testimony pre-filed for the first hearing no later than Monday, October 2, 2017. *See* 35 Ill. Adm. Code 104.424(b).

Although Section 27 of the Act (415 ILCS 5/27 (2016)) does not set the order of the first hearing or limit it to the proponent's testimony, the hearing officer intends to begin the first hearing with IEPA's witnesses. *See* 35 Ill. Adm. Code 102.428(c). In its Statement of Reasons, IEPA anticipates pre-filing testimony by four witnesses. SR at 72.

After IEPA testifies and responds to questions, other participants who have pre-filed testimony may then testify and respond to questions as time allows.

### **Second Hearing**

As indicated by the notice above, the second hearing will take place in Chicago and Springfield by videoconference beginning at 9:00 AM on Thursday, November 16, 2017.

Participants, including IEPA, who intend to testify at the second hearing are directed to pre-file all of their testimony and any related exhibits no later than Thursday, November 9, 2017.

To expedite the second hearing and make it more efficient, the Board strongly encourages any participant who has questions based on this testimony to pre-file those questions with the Board before the second hearing begins. *See* 35 Ill. Adm. Code 104.424(b).

For this second videoconference hearing, 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 allowed at the hearing but may be filed as a public comment after the hearing. *Id.*

The hearing officer intends to begin the second hearing with any participants who pre-filed testimony for the first hearing but were not able to testify and respond to questions before the end of that hearing. Next, participants who pre-filed testimony for the second hearing will present that testimony and respond to questions. Participants who did not pre-file testimony for the second hearing will be allowed to testify and respond to questions as time permits. *See* 35 Ill. Adm. Code 104.424(g).

### **Service and Notice Lists**

The hearing officer has established and will maintain both a Notice List and Service List for this proceeding. *See* 35 Ill. Adm. Code 102.422(a), (b). 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 and questions. *See* 35 Ill. Adm. Code 102.422(b).

Note that any interested person may request electronic notice of filings by providing an electronic mail address through COOL under this docket number R18-17. 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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