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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD IN THE MATTER OF:)) Amendments to 35 Ill.) No. R18-26 Adm. Code, Subtitle F:) Public Water Supply)

REPORT OF THE PROCEEDINGS held in the above-entitled cause before HEARING OFFICER TIMOTHY FOX, called by the Illinois Pollution Control Board, 100 West Randolph Street, Chicago, Illinois, on the 6th day of January, 2022, commencing at the hour of 12:00 p.m.

Reported By: Raelene Stamm, CSR License No.: 084-004445 Page 1

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1	APPEARANCES:	
2		
3	MR. TIMOTHY FOX, Hearing Officer (via video)	
4	MS. CYNTHIA SANTOS, Board Member	
5	MR. MARK KAMINSKI, Attorney Advisor	
6		
7	ILLINOIS ENVIRONMENTAL PROTECTION AGENCY	
8	BY: MS. STEFANIE DIERS (via video)	
9	1021 North Grand Avenue East	
10	PO Box 19276	
11	Springfield, Illinois 62794	
12	(217) 782-5544	
13	On behalf of the Illinois	
14	Environmental Protection Agency;	
15		
16	HEPLER BROOM, LLC	
17	BY: MS. MELISSA BROWN (via video)	
18	4340 Acer Grove Drive	
19	Springfield, Illinois 62711	
20	(217) 993-6077	
21	On behalf of the Illinois	
22	Environmental Regulatory Group.	
23		
24		

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January 6, 2022

Page 3 ALSO PRESENT: MS. LYNN DUNAWAY (via video) MR. MICHAEL BROWN (via video) MS. MARY REED (via video) б

Page 4 1 HEARING OFFICER FOX: Good afternoon everyone, 2 and welcome to this Illinois Pollution Control 3 Board hearing. My name is Tim Fox, and I am assisting the hearing officer assigned to this 4 5 docket, Vanessa Horton. The proceeding is 6 entitled, In the Matter of Amendments to 7 35 Illinois Administrative Code, Subtitle F, as in Frank, Public Water Supply. The board docket 8 number for this rulemaking is R18-26. 9 I do want to identify the folks who are 10 11 present here for the Board. I am the only Board 12 representative here in Springfield, and there in 13 Chicago I can see Board Member Cynthia Santos and Mark Kaminski who is the attorney advisor to Board 14 15 Member Jennifer Van Wie. 16 Have I missed anyone there in Chicago? 17 MS. SANTOS: Don's in the room. 18 HEARING OFFICER FOX: And Don Brown, our 19 Board's clerk, is there to assist as well. And I 20 appreciate it, Don. Thank you. Jumping right into this hearing governed 21 by the Board's procedural rules, all information 22 that is relevant and that is not repetitious or 23 24 privileged will be admitted into the record.

1 Please bear in mind that any question posed today 2 by the Board and its staff are intended solely to 3 help develop a clear and complete record for the Board's decision and do not reflect any decision on 4 5 the proposal, testimony or questions. 6 For the sake of our court reporter, please 7 speak clearly and avoid speaking at the same time as another person so that we can help produce a 8 9 clear transcript. We do have sheets at the entrance to the 10 11 two hearing rooms on which anyone can sign up to 12 indicate that they would like to comment. I can 13 see that the sheet here in Springfield is empty, but we'll give folks an opportunity later in this 14 15 hearing. I do want to stress that anyone can 16 submit electronic comments through the Board's clerk's office online or COOL. 17 18 Notice for this hearing was posted on 19 December 1 of 2021 in the Chicago Sun Times and 20 December 2 of 2021 in the Springfield Journal Register. 21 22 On June 17, 2021, in the Board's opinion in an order proposing this rule, the Board asked 23 24 that Illinois IEPA respond to seven questions

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Page 6 1 regarding proposed changes to the rule. On 2 November 16 of 2021, IEPA filed a public comment 3 responding to the Board's questions. On December 28 of 2021, IEPA did file an 4 5 updated response to Board Question Number 7 6 addressing the rulemaking R22-18 regarding water 7 quality standards which the Board accepted for hearing earlier today. 8 On November 29 of 2021, the hearing 9 officer had directed that any pre-filed testimony 10 11 was to be filed by December 30. I did of course 12 mention IEPA's responses, but the Board has not 13 received any pre-filed testimony for this hearing. On our proposed order for this hearing 14 15 we'll begin with any persons who indicate they 16 would like to offer a public comment. While we 17 would next turn to pre-filed testimony, we of course, as I mentioned, have not received any. 18 19 However, IEPA does have three persons who are 20 available to answer questions, and we can proceed quite quickly to have them sworn in and have those 21 22 questions posed on the record. 23 After that, we can see whether there is 24 anyone who did not pre-file testimony but does wish

Page 7 1 to testify today. And since that does not appear 2 to be the case, we can proceed quickly to wrap up 3 the hearing. 4 Any questions about our proposed 5 procedure? Very good. 6 What I would like to ask the participants 7 to do here in Chicago, Miss Diers and Miss Brown, just to identify yourselves for the record. 8 9 Miss Diers, if I may ask you to start and 10 your agency representatives. 11 MS. DIERS: Stefanie Diers for Illinois EPA, 12 S-t-e-f-a-n-i-e, and Diers is D-i-e-r-s. 13 MR. BROWN: Michael Brown, division manager of Public Drinking Water Supply. 14 15 MS. DUNAWAY: Lynn Dunaway, Groundwater 16 Section, Illinois EPA, Bureau of Water. And my 17 name is spelled L-y-n-n, D-u-n-a-w-a-y. 18 MS. REED: Mary Reed, Bureau of Water, Division 19 of Public Water Supply, Compliance Assurance 20 Section. And Reed is R-e-e-d. HEARING OFFICER FOX: Thank you those of you 21 22 from the agency. 23 Miss Brown, you're up. 24 MS. BROWN: Melissa Brown, last name B-r-o-w-n,

Page 8 1 outside counsel for the Illinois Environmental 2 Regulatory Group, also known as IERG, I-E-R-G. 3 HEARING OFFICER FOX: Thank you, Miss Brown. 4 I think we've come to the point, 5 Miss Diers, at which we can have the court reporter 6 swear in the agency representatives to respond to 7 any questions. 8 And if the court reporter is ready to do 9 that, please go ahead. (WHEREUPON, the witness was 10 11 duly sworn.) 12 HEARING OFFICER FOX: Thank you very much. 13 Miss Brown, if you have questions you would like to pose, please go ahead. 14 15 MS. BROWN: Thank you. 16 EXAMINATION 17 BY MS. BROWN: 18 Good afternoon. Melissa Brown, outside ο. 19 counsel for the Illinois Environmental Regulatory 20 I just have a few questions today not Group. directed to anybody specifically, so, please feel 21 free whoever feels most appropriate to answer, go 22 23 ahead. 24 So I saw specifically from the Board

Page 9 orders and this rulemaking that the proposed 1 2 revisions are intended to be nonsubstantive minor cleanup rule provisions, and so I just wanted to 3 4 confirm that it was the agency's intent that the 5 proposed revisions in this rulemaking be nonsubstantive cleanup type revisions? 6 7 MR. BROWN: That's to my understanding of that. 8 MS. BROWN: Thank you. BY MS. BROWN: 9 And will these proposed revisions be 10 0. 11 subject to US EPA for review and approval? 12 MR. BROWN: I don't believe so. 13 (Reporter clarification.) 14 MS. DIERS: Hi. This is Stephanie Diers. We 15 have talked about that internally. I don't think 16 we have to submit Subtitle F to US EPA, but I will 17 double-check, and we will get that response back to 18 you and the Board just to make sure. 19 MS. BROWN: Perfect. Thank you. 20 BY MS. BROWN: Along those lines, so, you know, so we're 21 Q. not sure at this point whether they're subject to 22 the formal review and approval process after the 23 24 Board adopts these proposed revisions.

Page 10 1 However, has the agency been in contact 2 with US EPA during the rule development and/or have 3 you submitted the proposed revisions to US EPA at 4 any point in the rulemaking development process? 5 MR. BROWN: Not that I am aware of. 6 BY MS. BROWN: 7 0. Okay. So then just to confirm, the proposed provisions to this rulemaking have not 8 been sent over to US EPA yet, and there has been no 9 discussions with US EPA regarding these proposed 10 11 provisions? 12 MR. BROWN: Not to my knowledge. 13 MS. BROWN: That wraps up then most of my 14 follow-up questions. 15 Thank you, Miss Diers, for being willing 16 to follow up on that post-hearing comment. You 17 know, the answer is, yes, that they are subject to 18 federal review or might have one or two additional 19 questions on that or we can just address it at a 20 post-hearing comment as well. 21 MS. DIERS: Sounds good. 22 MS. BROWN: Thank you very much. I appreciate 23 it. 24 HEARING OFFICER FOX: Miss Brown has wrapped up

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1	her questions. Did you, Member Santos, or anyone
2	else on behalf of the Board have questions to
3	propose to the agency witnesses?
4	MS. SANTOS: Not me.
5	HEARING OFFICER FOX: Very good, very good.
6	Miss Diers, thank you for making your
7	agency representatives available. That was very
8	helpful, and I appreciate it. That wraps up the
9	questions. So you can figuratively step down, even
10	though you've not literally stepped up.
11	We do need to check to see whether anyone
12	who did not pre-file testimony is here today
13	wishing to testify. I can tell very clearly here
14	in Springfield that there is no one who wishes to
15	do so.
16	Member Santos, do you see anyone there who
17	might wish to
18	MS. SANTOS: No.
19	HEARING OFFICER FOX: I see you indicating
20	clearly that there is not. We can turn to the
21	issue of public comments. As I mentioned before, I
22	can see that no one has signed in to offer a public
23	comment here in Springfield.
24	Is there anyone who has signed to do so in

1 Chicago?

2

MS. SANTOS: No.

3 HEARING OFFICER FOX: Neither seeing nor 4 hearing any, we can move on very quickly to the 5 issue of an economic impact study. Section 27D of 6 the Environmental Protection Act provides that the 7 Board must request that the Department of Commerce and Economic Opportunity or DCEO conduct an 8 economic impact study of proposed rules before the 9 Board adopts them. The Board then must make either 10 11 the study or the department's explanation for not 12 conducting one available to the public at least 13 20 days before a public hearing.

In a letter dated September 17 of 2021, Board's chair, Barbara Flynn Currie, requested the DCEO conduct an economic impact study of this proposal. The Board specifically requested a response no later than November 1 of 2021.

19 On October 22 of 2021, the Board received 20 a response from the acting director of DCEO which 21 respectfully declined the request to perform an 22 economic impact study.

Is there anyone in either Springfield orChicago who would like to testify regarding either

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Page 13 1 the Board's request or DCEO's response? 2 I see neither see nor hear any here in 3 Springfield. Member Santos clearly indicates that 4 there's no one in Chicago either. 5 Let's, if we may, Madam Court Reporter, go 6 off the record just for a moment to wrap up a 7 couple procedural questions before we appear to be ready to adjourn. 8 (WHEREUPON, a discussion was had 9 off the record.) 10 11 HEARING OFFICER FOX: With the participants 12 here in Springfield we did go off the record 13 briefly to discuss procedural matters, specifically the deadline for post-hearing comments. Copies of 14 15 today's -- the transcript of today's hearing are 16 expected to be available no later than Friday, 17 January 14 of 2022. When the Board receives that 18 transcript, it will post it right away to the 19 clerk's office online from which it can be viewed, 20 printed and saved. The deadline to file post-hearing comments 21 will be Friday, January 28 of 2021. And we did not 22 23 at that time have any -- when going off the record 24 at that time have any other additional issues to

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1	address. So I think we can adjourn with thanks		
2	particularly to the agency's representatives for		
3	their responses and input today.		
4	Thanks very much to all of you.		
5	(WHEREUPON, the hearing was		
б	adjourned at 12:15 p.m.)		
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4	RAELENE STAMM being first duly sworn, on
5	oath says that she is a court reporter doing
6	business in the City of Chicago; and that she
7	reported in shorthand the proceedings of said
8	hearing, and that the foregoing is a true and
9	correct transcript of her shorthand notes so taken
10	as aforesaid, and contains the proceedings given at
11	said hearing.
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14	Certified Shorthand Reporter
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