

ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)
 WATER QUALITY STANDARDS AND)
 EFFLUENT LIMITATIONS FOR THE)
 CHICAGO AREA WATERWAY SYSTEM)
 AND THE LOWER DES PLAINES)
 RIVER: PROPOSED AMENDMENTS)
 TO 35 Ill. Adm. Code Parts 301,)
 302, 303 and 304)

R08-09
 (Rulemaking-
 Water

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OCT 28 2011

STATE OF ILLINOIS
Pollution Control Board

REPORT OF THE PROCEEDINGS held in the

above entitled cause before Hearing Officer Marie
 Tipsord, called by the Illinois Pollution Control
 Board, taken by Steven Brickey, CSR, for the State
 of Illinois, 100 West Randolph Street, Chicago,
 Illinois, on the 27th day of October, 2011,
 commencing at the hour of 11:00 a.m.

A P P E A R A N C E S

MS. MARIE TIPSORD, Hearing Office
MR. TANNER GIRARD, Acting Chairman
MR. ANAND RAO
MS. CARRIE ZALEWSKI
MS. JENNIFER BURKE

REPORTED BY:

Steven J. Brickey, CSR
CSR License No. 084-004675

1 MS. TIPSORD: Good morning. My name
2 is Marie Tipsord and I've been appointed by the
3 Board to serve as Hearing Officer in this
4 proceeding entitled Water Quality Standards and
5 Effluent Limitations for the Chicago Area Waterway
6 System and Lower Des Plaines River. Proposed
7 amendments to 35 Ill. Adm. Code 301, 302, 303 and
8 304. This is Docket Number R08-9 Subdocket B.

9 With me today to my immediate
10 left is Board Member Jennifer Burke, to my
11 immediate right is Board Member Carrie Zalewski,
12 to my far right is Anand Rao from our technical
13 staff and also Tanner Gerard, the Board's
14 executive director is with us today.

15 Today's hearing is solely for
16 the purpose of satisfying the requirement of
17 Section 27(b) of the Environmental Protection Act.
18 Section 27(b) of the act requires the Board to
19 request the Department of Commerce and Economic
20 Opportunity to conduct an Economic Impact Study on
21 certain proposed rules prior to adoption of those
22 rules.

23 If DCEO chooses to conduct an
24 Economic Impact Study, DCEO has 30 to 45 days

1 after such request to produce a study of the
2 economic impact of the proposed rules. The Board
3 must then make the Economic Impact Study, or
4 DCEO's explanation for not conducting the study,
5 available to the public at least 20 days before a
6 hearing on the economic impact of the proposed
7 rules.

8 In accordance with Section 27(b)
9 of the act, the Board requested by a letter dated
10 July 7th, 2011, that DCEO conduct an Economic
11 Impact Study for the above referenced rulemaking.
12 The Board did not receive a response to that
13 letter. A copy of the Board's letter is available
14 at the side of the room over here. Does anyone
15 wish to comment on DCEO not performing an Economic
16 Impact Study?

17 I would note that it's after
18 11:00, which was the time to start. We'll go off
19 the record for about five minutes just in case
20 people are running late with traffic and come bank
21 on the record at that time.

22 (Whereupon, a break was taken
23 after which the following
24 proceedings were had.)

1 MS. TIPSORD: No one else has come
2 to comment on DCEO's decision not to perform an
3 EcIS. The first notice was published in the
4 Illinois Register on July 29th, 2011. A minimum
5 of a 45-day public comment period is required and
6 that minimum time has already passed. Therefore,
7 pursuant to the August 16th, 2011, Hearing Officer
8 order the Board will close the first notice
9 comment period on November 10th, 2011, and the
10 mailbox rule does not apply.

11 Thank you all for coming today.
12 Once again it's been a privilege to work on these
13 rules and I can't wait to see the final comments.
14 Thank you, all. We're adjourned.

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1 STATE OF ILLINOIS)
2) SS.
3 COUNTY OF COOK)
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5 I, Steven Brickey, Certified Shorthand
6 Reporter, do hereby certify that I reported in
7 shorthand the proceedings had at the trial
8 aforesaid, and that the foregoing is a true,
9 complete and correct transcript of the proceedings
10 of said trial as appears from my stenographic
11 notes so taken and transcribed under my personal
12 direction.

13 Witness my official signature in and for
14 Cook County, Illinois, on this 29th day of
15 October, A.D., 2011.

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