

ILLINOIS POLLUTION CONTROL BOARD
January 25, 2008

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STATE OF ILLINOIS
Pollution Control Board

IN THE MATTER OF:)
)
WATER QUALITY STANDARDS AND) R08-9
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

On January 25, 2008, a pre-hearing teleconference was held in response to the request of various participants. The following groups were represented:

Illinois Pollution Control Board
Illinois Environmental Protection Agency (IEPA)
Illinois Environmental Regulatory Group
Midwest Generation, L.L.C.
Citgo Petroleum Corporation and PDV Midwest, L.L.C.
Corn Products International, Inc.
Chemical Industry Council of Illinois
Metropolitan Water Reclamation District of Greater Chicago
Stepan Company
Thorn Creek Basin Sanitary District
Exxonmobile Oil Corporation
Openlands
Environmental Law & Policy Center, Prairie Rivers Network, Sierra Club
Southeast Environmental Task Force
Alliance for Great Lakes

At this conference numerous participants expressed concerns about the January 22, 2008 hearing officer's order setting forth the schedule of the hearing to begin January 28, 2008. Specifically, the concerns centered around beginning the questioning of IEPA's witnesses by starting with the IEPA's expert witness Mr. Chris Yoder. The participants believe that a more natural order of progression for the hearing would be preferable and that general aspects of the proposal should be addressed before the more specific questions for Mr. Yoder.

After significant discussion, I determined that the hearing schedule should be amended. On Monday, January 28, we will begin with the IEPA's opening statements and introduction of witnesses. We will then proceed with the questions for the IEPA's witnesses that address the proposal generally. If the IEPA has established that Mr. Yoder will be available for the hearings beginning on March 10, 2008, the questioning of the IEPA's witnesses will continue with general questioning and proceeding with questions for each witness. The progression of the

questions will be to have the witness answer all questions directed to the witness before proceeding. However, if Mr. Yoder is not available in March, we will discuss at the hearing on Monday when to begin questioning Mr. Yoder.

The order for those asking questions beginning January 28 will be:

Illinois Environmental Regulatory Group
Midwest Generation, L.L.C.
Flint Hills Resources, Joliet Facility
Citgo Petroleum Corporation and PDV Midwest, L.L.C.
Corn Products International, Inc.
Chemical Industry Council of Illinois
Metropolitan Water Reclamation District of Greater Chicago
Stepan Company
Environmental Law & Policy Center, Prairie Rivers Network, Sierra Club
Exxonmobile Oil Corporation

In addition to discussing the hearings scheduled, I asked that participants be prepared to provide dates for availability in order to schedule the next set of hearings. I anticipate setting additional hearing dates along with prefiling deadlines for the additional hearings after the close of hearing next week.

IT IS SO ORDERED.


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