

1 BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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4 IN THE MATTER OF:

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6 PETITION OF BIG RIVER ZINC CORPORATION

7 FOR AN ADJUSTED STANDARD FROM No. AS 99-003

8 35 ILL. ADM. CODE. 720.131(c)

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13 Proceedings held on December 17, 1998 at 1:00

14 p.m., at the St. Clair County Building, 10 Public

15 Square, Room 407, Belleville, Illinois, before the

16 Honorable John C. Knittle, Hearing Officer.

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21 Reported by: Kerri A. Smith, CSR

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3 ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

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1 INDEX

2 WITNESS PAGE NUMBER

3 GEORGE OBELDOBEL 11

4

5 EXHIBITS

6 NUMBER MARKED FOR I.D. ENTERED

7 Petitioner's Exhibit 1 4 9

Petitioner's Exhibit 2 4 9

8 Petitioner's Exhibit 3 4 9

Petitioner's Exhibit 4 7 11

9

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1 PROCEEDINGS

2 December 17, 1998; 1:00 p.m.)

3 (PETITIONER'S EXHIBIT NO. 1, 2, and 3 were  
4 MARKED FOR IDENTIFICATION).

5 HEARING OFFICER KNITTLE: Hi, my name is John

6 Knittle. I'm a hearing officer with the Illinois

7 Pollution Control Board. We are here today to have a

8 hearing on case Adjusted Standard 99-003, which is in

9 the matter of petition of Big River Zinc Corporation

10 for an adjusted standard under 35 Illinois

11 Administrative Code 720.131. Today's date is December

12 17, 1998. And at this point I'd like to have the

13 parties identify themselves, at least the attorneys.

14 MR. CUNNINGHAM: I'm Lee Cunningham with the law

15 firm of Gardner, Carton, and Douglas representing Big

16 River Zinc.

17 MR. PERZAN: Christopher Perzan from the Illinois

18 EPA.

19 HEARING OFFICER KNITTLE: I look around and I

20 don't see any members of the public here. Are there

21 any members of public attending the hearing today?

22 Actually we do have two. Maybe you could identify

23 yourselves for the record.

24 MR. KRABLIN: Richard Krablin with Horsehead.

25 HEARING OFFICER KNITTLE: And, sir.

1 MR. GUTERMANN: Paul Gutermann with the law firm  
2 of Akin, Gump, Strauss, Hauer, and Feld.

3 HEARING OFFICER KNITTLE: See us afterwards so we  
4 can get the correct spellings of your names for the  
5 record. Other than that there are no members of  
6 public here. I think you two gentlemen are from the  
7 EPA. And gentleman in the back?

8 MR. ASH: Big River Zinc, Steve Ash.

9 HEARING OFFICER KNITTLE: I want to address some  
10 outstanding motions, and, I think, Mr. Cunningham you  
11 had something you wanted to bring up at this point.

12 MR. CUNNINGHAM: Yes. We would like to make a  
13 motion to amend the relief that we are requesting in  
14 this proceeding. And the amendment, if I can find it  
15 now, would be in the record. We have the Big River  
16 Zinc Corporation's reply to the response of the  
17 Illinois EPA petition for adjusted standard, which was  
18 filed on October 27 of this year. And on page 6 of  
19 that reply Big River Zinc proposes certain conditions  
20 on the granting of the adjusted standard. And in  
21 condition B on page 6 it sets forth specifications for  
22 the contents of certain constituents of the zinc oxide  
23 that Big River Zinc would be accepting pursuant to  
24 this petition. And right below number 5 there, which  
25 says less than 13 percent chloride, I would like to

1 have added some additional language which would state  
2 that provided however that the material accepted may  
3 contain up to 7 percent iron for a period of up to  
4 three months during the start up of the process  
5 producing the material. And I believe that Illinois  
6 EPA has agreed to that amendment.

7 HEARING OFFICER KNITTLE: Mr. Perzan, do you have  
8 any comments or objections to that proposed  
9 amendment?

10 MR. PERZAN: We don't have any objections at this  
11 time. And actually we can make an oral response to it  
12 now. Based on the representations from Big River Zinc  
13 we don't think that it substantially changes the terms  
14 of the requested relief that we had looked at earlier.

15 HEARING OFFICER KNITTLE: Do you need any  
16 additional time to respond to this proposed amendment  
17 outside of today's hearing?

18 MR. PERZAN: Well, we would like to reserve the  
19 right. At the end of the hearing we'll decide if we  
20 want to do a brief, and we would like to reserve the  
21 right to comment on it at that time.

22 HEARING OFFICER KNITTLE: Well, you certainly  
23 would be able to comment upon it legally in your  
24 post-hearing brief. Do you have any response?

25 MR. CUNNINGHAM: That's fine. I'm hopeful that by

1 the end of the hearing today we might be able to agree  
2 there's not a need for briefing. But we can take that  
3 up at the end.

4 HEARING OFFICER KNITTLE: I will grant the motion,  
5 and we will amend the petition accordingly. Do you  
6 have that written out there, Mr. Cunningham?

7 MR. CUNNINGHAM: On a piece of paper I do.

8 HEARING OFFICER KNITTLE: Do you have an  
9 objection -- I've been thinking if we make that  
10 Petitioner's Exhibit Number 4 just so we have the  
11 exact writing so there's no error. I want to admit  
12 this as Petitioner's Exhibit Number 4. But we're  
13 getting ahead of ourselves.

14 (PETITIONER'S EXHIBIT NO. 4 WAS MARKED FOR  
15 IDENTIFICATION).

16 HEARING OFFICER KNITTLE: Mr. Perzan, do you have  
17 a problem with that, any objection?

18 MR. PERZAN: No.

19 HEARING OFFICER KNITTLE: Well, are there any  
20 other outstanding motions that need to be addressed at  
21 this time?

22 MR. CUNNINGHAM: That was the only motion I had.

23 HEARING OFFICER KNITTLE: Mr. Perzan?

24 MR. PERZAN: No.

25 HEARING OFFICER KNITTLE: Okay. Well, this

1 hearing is being conducted in accordance with board  
2 rules, specifically 35 Illinois Administrative Code  
3 subpart 102 or subpart J, excuse me, subpart 102 sub  
4 part J which lays out the procedural path that we're  
5 going to be taking today. We're going to follow that  
6 unless we have any other suggestions from the audience  
7 here. Are we going to do opening statements? Mr.  
8 Cunningham, do you have any opening statement?

9 MR. CUNNINGHAM: I was wondering if we might not  
10 just enter the exhibits in to the record up front  
11 here.

12 HEARING OFFICER KNITTLE: Mr. Perzan?

13 MR. PERZAN: I have no opening statement, and I  
14 don't have any exhibits. So if you'd like to enter  
15 them now that's fine with me.

16 HEARING OFFICER KNITTLE: Maybe go over them one  
17 by one on the record.

18 MR. CUNNINGHAM: Do you want me to go through  
19 them?

20 HEARING OFFICER KNITTLE: If you would.

21 MR. CUNNINGHAM: Okay. The first exhibit is a  
22 letter to Chris Perzan, attorney for Illinois EPA here  
23 from the Steal Manufacturers Association, which is a  
24 comment in support of the relief requested by Big  
25 River Zinc. The --

1 HEARING OFFICER KNITTLE: Can we -- Mr. Perzan, do

2 you have any objection to that being entered as

3 Exhibit Number 1?

4 MR. PERZAN: No.

5 HEARING OFFICER KNITTLE: That's admitted.

6 MR. CUNNINGHAM: The second exhibit is a

7 construction permit that was recently issued by

8 Illinois EPA to Big River Zinc for the construction of

9 equipment to handle zinc oxide materials that would be

10 subject to this adjusted standard petition.

11 HEARING OFFICER KNITTLE: Mr. Perzan, do you have

12 any objection to that?

13 MR. PERZAN: No, I don't.

14 HEARING OFFICER KNITTLE: All right. Petitioner's

15 Exhibit Number 2 is admitted.

16 MR. CUNNINGHAM: The third exhibit is the

17 petition, may as well get this right here since I gave

18 you my copy, is the petition in this matter, petition

19 of Big River Zinc Corporation for an adjusted standard

20 under 35 Illinois Administrative Code 720.131(c) which

21 is as 99-3, which was filed with the board on

22 September 24 of this year.

23 HEARING OFFICER KNITTLE: Mr. Perzan?

24 MR. PERZAN: I have no objection.

25 HEARING OFFICER KNITTLE: Petitioner's Number 3

1 will be admitted as well. That's date stamped  
2 September 24 by the Illinois Pollution Control Board.  
3 So I'm assuming it's the same copy with the board  
4 regardless. And Number 4 we had talked about  
5 previously. This is the language of the amended  
6 petition, correct?

7 MR. CUNNINGHAM: Yes.

8 HEARING OFFICER KNITTLE: And this has been gone  
9 over on the record. Do you have anything else you  
10 want to say about this?

11 MR. CUNNINGHAM: No.

12 HEARING OFFICER KNITTLE: Chris?

13 MR. PERZAN: No. I'd just like a copy of it at  
14 some point.

15 MR. CUNNINGHAM: I'd like a copy of it too.

16 HEARING OFFICER KNITTLE: We can get you both  
17 copies. I'm not sure about our copying ability in St.  
18 Clair County. We'll do what we can. Petitioner's  
19 Exhibit Number 4, which is the language of the amended  
20 petition that was amended today here at the hearing  
21 orally, will be admitted. It's just four sentences on  
22 a plain white sheet of paper. That is admitted as  
23 well.

24 MR. CUNNINGHAM: I think it's four lines, not four  
25 sentences.

1 HEARING OFFICER KNITTLE: Did I say sentences?

2 Yes. It looks like it's one long sentence. It is

3 four lines. It's admitted.

4 MR. CUNNINGHAM: Thank you.

5 HEARING OFFICER KNITTLE: Well, since neither --

6 or actually, Mr. Cunningham, did you have an opening

7 statement?

8 MR. CUNNINGHAM: No.

9 HEARING OFFICER KNITTLE: Mr. Perzan, you do not

10 have one either. Then, Mr. Cunningham, you can call

11 your witness.

12 MR. CUNNINGHAM: I would call Mr. George

13 Obeldobel.

14 HEARING OFFICER KNITTLE: Could you swear in the

15 witness, please.

16 (AT THIS TIME MR. OBELDOBEL WAS SWORN BY THE

17 COURT REPORTER).

18 HEARING OFFICER KNITTLE: You can sit down, Mr.

19 Obeldobel.

20

21 DIRECT EXAMINATION

22 QUESTIONS BY MR. CUNNINGHAM:

23 Q Would you state your name and title for the

24 record, please?

25 A George Obeldobel, president and CEO of Big

1 River Zinc Corporation.

2 Q Are you familiar with what has been marked as  
3 Exhibit 3 in this proceeding, which is the petition  
4 for adjusted standard filed on behalf of Big River  
5 Zinc?

6 A Yes, I am.

7 Q And in the course of your employment with Big  
8 River Zinc are you generally familiar with the  
9 material of facts alleged in that petition?

10 A Yes, I am.

11 Q And can you state for the record whether  
12 those facts are true and correct and remain true and  
13 correct to the best of your knowledge and belief?

14 A To the best of my knowledge and belief those  
15 facts are absolutely correct.

16 Q There are various attachments to that  
17 petition, some of which consist of articles or excerpts  
18 from various documents. Are you familiar with those  
19 attachments?

20 A Yes, I am.

21 Q And do those attachments contain the sort of  
22 information which would be relied upon by a  
23 reasonable, prudent person in the conduct of serious  
24 affairs?

25 A Absolutely.

1 Q And do you believe them to also be true and  
2 accurate?

3 A I do believe them to be true and accurate.

4 Q Okay. I will show you what has been marked  
5 as Exhibit 2. And could you explain what that is?

6 A Exhibit 2 is a construction permit for a zinc  
7 oxide washing plan which was approved by Illinois EPA  
8 on 22 September, 1998.

9 Q Okay. Could you very briefly describe for  
10 us, and I guess perhaps in the two minute version that  
11 we had talked about earlier, what Big River Zinc is  
12 attempting to accomplish through this adjusted  
13 standard?

14 A Within the secondary steel manufacturers they  
15 produce a material called electric ash furnace dust.  
16 They have recently developed technology where they can  
17 separate and recover the zinc oxide from that electric  
18 ash furnace dust. That zinc oxide is an attractive  
19 need to Big River Zinc Corporation. We have  
20 experience with similar materials for a number of  
21 years, and we are very comfortable that we can recover  
22 all of the valuable commodities in that material as  
23 products. As such we are interested in acquiring that  
24 material from the steel manufacturers at a significant  
25 price far in excess of the cost of the freight. Some

1 of those materials tend to be high in the equivalent  
2 of table quality sodium chloride potassium, and at  
3 high levels and large tonnages they would build up in  
4 our process and cause excessive corrosion. Therefore,  
5 we have found that by washing the material in advance  
6 of putting it to our normal process we can wash the  
7 salt from those particular materials to make them more  
8 desirable feed to our process. The wash water has  
9 already been reviewed with the POTW to which we  
10 discharge our process water, and their NPDES permit  
11 already allows for the discharge of those salts.

12 There are -- as a subset of that material there  
13 are some producers who care to wash the zinc oxide  
14 themselves and to sell to Big River Zinc the washed  
15 zinc oxide. In that case the material would arrive as  
16 a wet filter cake which is then very easy to handle,  
17 as we handle all of our normal feed materials. In the  
18 case of the prior description of the dry zinc oxide  
19 Big River Zinc is prepared to install equipment so  
20 that we can handle that material in large tonnages and  
21 in a contained manner wash the material to produce a  
22 similar damp filter cake which is then easy to handle  
23 in a non-dusting environment, is very suitable for our  
24 process, again as demonstrated by a number of years of  
25 treating or processing significant quantities of that

1 typical material.

2 Q Could you explain to the board what the  
3 present status is of Big River Zinc Corporation's  
4 ability to presently expect such materials and what  
5 the schedule is for being able to accept all such  
6 materials?

7 A Assuming the permit or the amended standard  
8 were granted today, Big River Zinc would only be able  
9 to process small quantities of dry zinc oxide because  
10 of handling limitations, proper handling limitations,  
11 but could process large quantities of washed zinc  
12 oxide if it were available, because that material  
13 we're readily able to handle and handle several  
14 hundred thousand tons per year or similar material on  
15 a regular basis. In order to handle larger quantities  
16 of the dry unwashed zinc oxide Big River Zinc will  
17 require installing parts of the approved washing plan  
18 to make sure that the material is handled in a  
19 suitable environmentally friendly manner.

20 Q And that is pursuant to the construction  
21 permit that's been entered?

22 A That's correct. So for the time being of the  
23 dry materials Big River Zinc could handle small  
24 quantities contained in super sack and feel  
25 comfortable. But to go to tonnages much in excess of

1 1,000, 2,000 tons per year will require the  
2 installation of the washing facility and the  
3 associated receiving equipment.

4 Q And what is the schedule for --

5 A We would anticipate installing that  
6 equipment -- beginning the installation of that  
7 equipment as soon as this variance is adopted. And we  
8 believe that we could be in operation in receiving  
9 larger quantities of the dry zinc oxide by the second  
10 quarter of 1999.

11 Q And that last statement you made reference to  
12 a variance. You're actually referring to the adjusted  
13 standard?

14 A Yes, I am.

15 Q Does Big River Zinc have an interest in  
16 having a decision in this matter reached  
17 expeditiously?

18 A Yes, we do.

19 Q And why is that?

20 A The one major reason is that the steel  
21 producers are very interested in developing suitable  
22 economically effective processes to avoid disposal of  
23 this electric arc furnace dust to landfills. And a  
24 number of those have begun the start up of their  
25 processes, and Big River Zinc is a very desirable

1 outlet that can properly handle those materials in  
2 large quantities once the washing facility  
3 installation has been completed. We believe it is not  
4 only to Big River Zinc's benefit but to the U.S. steel  
5 industry's benefit and, of course, the overall  
6 environment, U.S. environment for Big River Zinc to be  
7 able to install this equipment expeditiously and begin  
8 to be able to properly process large quantities as  
9 soon as possible. And until we receive this adjusted  
10 standard we feel uncomfortable in beginning that  
11 process beyond design stage.

12 Q That's all I have.

13

14 CROSS EXAMINATION

15 QUESTIONS BY MR. PERZAN:

16 Q Well, I have a couple quick questions. In  
17 large part the petition that you filed relies on a  
18 proposed transaction between yourself and American  
19 Steel, and it also contains a draft contract.

20 A Correct.

21 Q Can you tell us at what stage that contract  
22 is at now?

23 A That draft contract is the same draft stage  
24 as presented in the petition itself. I believe it  
25 will -- American Steel at this point does not feel

1 it's judicious to take it any further until such time  
2 that Big River Zinc is a proven outlet, beneficial  
3 outlet, for their zinc oxide. So until the adjusted  
4 standard has virtually been granted or has been  
5 granted it would be non-judicious in their opinion to  
6 do a firm commitment for the sale and purchase of that  
7 zinc oxide.

8 Q American Steel has expressed its  
9 intentions --

10 A American Steel.

11 Q Let me finish. American Steel has expressed  
12 to you its intention to enter in to this contract when  
13 this adjusted standard is granted; is that correct?

14 A That is correct.

15 Q Can you -- are you familiar with America  
16 Steel's processes?

17 A Generally, yes, I am.

18 Q Can you just give us a real quick overview of  
19 what they do with their initial reclamation of the  
20 KO61?

21 A Okay. KO61 is equivalent to EAF dust, as I  
22 will describe it further. In their reclamation  
23 process they take the KO61, mix it with coal and other  
24 materials to form a pellet. They then add that pellet  
25 to a rotary hearth furnace which looks like a large

1 lazy Susan, and that's at very high temperatures and  
2 under very controlled conditions. As the material, in  
3 effect, moves around this large lazy Susan and the  
4 iron in the EAF dust is reduced largely to metallic  
5 iron, which is a product which is then suitable to go  
6 back to their production processes for the recovery of  
7 that iron. Simultaneously with the reduction of the  
8 iron the zinc oxide and other volatile constituents  
9 are sublimed from the bed on the lazy Susan and are  
10 recovered in bag houses as their product. Is that --

11 Q Yeah. That's fine. Do you know -- do you  
12 know whether only a few steel manufacturers now or do  
13 more or do you expect more to install HTMR processes  
14 like American Steel?

15 A I expect more both secondary and primary  
16 steel companies to install very similar processes if  
17 the process is proven to be technically and  
18 economically effective at American Steel. In fact,  
19 there are at least two other installations currently  
20 either being constructed or in the start up phases.  
21 And I would anticipate that success at American,  
22 economic success at American Steel will see more  
23 proliferation because steel companies view this as --  
24 view the proper economic and environmentally sound  
25 handling of the waste as a very large target in their

1 corporate plans. So when there's a solution, and this  
2 appears like it could be a solution, I see a number of  
3 the others chasing a similar solution.

4 Q Do you have any idea how much American Steel  
5 invested in the HTMR system?

6 A I thought it was \$30 million. I see in print  
7 they say \$22 million. So I'll say somewhere between  
8 22 and \$30 million.

9 Q Can I have a second?

10 HEARING OFFICER KNITTLE: Sure. Do you need to go  
11 off the record?

12 MR. PERZAN: No. I think that's all I have.

13 HEARING OFFICER KNITTLE: You gentlemen who are  
14 members of the public do you have any questions for  
15 Mr. Obeldobel?

16 MR. KRABLIN: No, we don't.

17 MR. GUTERMANN: No.

18 MR. CUNNINGHAM: I have no other witness, and I  
19 have no further questions.

20 HEARING OFFICER KNITTLE: You can step down, and  
21 you are no long testifying. Remain seated. Mr.  
22 Perzan, do you have any witnesses you want to present  
23 at this point?

24 MR. PERZAN: We don't have any witnesses. We'd  
25 like to stand on the response that we filed with the

1 Board as our position in this matter.

2 HEARING OFFICER KNITTLE: Okay. That is fine. Do  
3 you gentleman of the public have any statements you'd  
4 wish to make or any witnesses you'd like to present or  
5 any questions of anybody at all here?

6 MR. GUTERMANN: No, we do not.

7 MR. CUNNINGHAM: I actually am not sure the best  
8 way to handle this. There's something I would like to  
9 have from Chris, if I might. In your response you had  
10 indicated that there were some remaining questions.  
11 In Big River Zinc's reply to that response we came up  
12 with certain conditions and additional information to  
13 try to satisfy some of the concerns that were  
14 expressed in that response. Is it the agency's  
15 position at this point that it is supportive of the  
16 amended language that BRZ has now proposed and has the  
17 reply satisfied all of the concerns that were  
18 expressed in the Illinois EPA's response?

19 MR. PERZAN: Well, I think I have a brief  
20 statement that I'd like to make in the form of a  
21 closing, and I think that might take care of what  
22 you're --

23 MR. CUNNINGHAM: I thought maybe that was just the  
24 close.

25 HEARING OFFICER KNITTLE: Well, I'm about to get

1 to closing, so Mr. Cunningham maybe this'll wrap  
2 itself up, and we can address that afterwards if you'd  
3 like. Mr. Cunningham, do you have anything you'd like  
4 to say as a closing statement?

5 MR. CUNNINGHAM: Just very briefly that I believe  
6 that the petition and the information supplied in the  
7 petition and in the reply to Illinois EPA's response  
8 does demonstrate that Big River Zinc, that the  
9 requested adjusted standard should be granted. And we  
10 are asking that that relief be granted as was amended  
11 here today and under the conditions proposed in the  
12 reply.

13 HEARING OFFICER KNITTLE: Can we go off the record  
14 for one second.

15 (OFF THE RECORD DISCUSSION).

16 HEARING OFFICER KNITTLE: We're back on the  
17 record. Mr. Cunningham, was that the total of your  
18 closing statement?

19 MR. CUNNINGHAM: That was the sum and substance of  
20 that.

21 HEARING OFFICER KNITTLE: Mr. Perzan, you said you  
22 had a closing statement you'd like to make.

23 MR. PERZAN: Just briefly in response to Mr.  
24 Cunningham's question, query, earlier. In general we  
25 think the reply that was filed satisfied most of our

1 concerns. We did have a little bit of an issue with  
2 regard to the question of price as an indicator of  
3 value. We do believe that price is an indicator of  
4 value and especially when it's compared with the price  
5 of the substitute that the solid waste determined, for  
6 lack of a better term the former waste are taking the  
7 place of. But in this case there seems to be  
8 sufficient indicators of value elsewhere in that in  
9 the record that we think this satisfies the condition  
10 or the requirement that will be value in this  
11 material. We know that BRZ did not indicate a  
12 specific price that it would be paying for this  
13 material.

14 The only other thing regards the letter from the  
15 Steel Manufacturers Association. We appreciate their  
16 input. We do want to clarify one thing. There is a  
17 statement or two in that letter which seem to make it  
18 appear as if this proceeding would result in a state  
19 wide adjusted standard for EAF dust or KO61. And we  
20 just wanted to make it very clear that is not our  
21 position as to -- what this would do, this is specific  
22 to Big River Zinc. Another facility similarly  
23 situated would not be able to take a material under  
24 this adjusted standard, although they may be able to  
25 get one themselves. And that concludes what I have to

1 say.

2 HEARING OFFICER KNITTLE: Mr. Cunningham, do you  
3 have anything else to add?

4 MR. CUNNINGHAM: I would just add that's our  
5 understanding of the specs of the adjusted standard as  
6 well that it would be specific to Big River Zinc. And  
7 I'm not sure you specifically said, Chris, as part of  
8 that closing comment, are you indicating that Illinois  
9 EPA is satisfied with the conditions as proposed and  
10 amended by Big River Zinc?

11 MR. PERZAN: Yeah. I think we stated that.

12 HEARING OFFICER KNITTLE: Okay. This is -- any  
13 members of the public with anything they want to  
14 comment on at this point in time? Seeing none we're  
15 going to wrap this up. I would like to note that the  
16 adjusted standard rules really do not dictate that I  
17 issue a credibility statement. But the parties should  
18 be advised that based on my experience and my  
19 observation and my legal judgment here I do not find  
20 any credibility issues with the one witness who  
21 testified. Can we go off the record for a second.

22 (OFF THE RECORD DISCUSSION).

23 HEARING OFFICER KNITTLE: We can go back on.

24 Pursuant to a discussion off the record we will enter  
25 the following brief schedule. First of all, public

1 comments in the matter will be due 14 days after the  
2 receipt of the transcript in the Board office. So  
3 after that period, the public comment, after that  
4 happens the public comment period will toll. After  
5 those 14 days if there are no, and correct me if I get  
6 this wrong, if there are no public comments the record  
7 will close. However, if there have been public  
8 comments the petitioner will have seven days in which  
9 to respond to those public comments in a post-hearing  
10 brief. Seven days after service of any potential  
11 post-hearing brief by the petitioner the agency will  
12 have seven days to respond to the petitioner's  
13 post-hearing brief if they so desire. And seven days  
14 after receipt of the agency's post-hearing brief the  
15 petitioner will have another seven days in which to  
16 reply to the response, if they so desire. That as  
17 clear as it could be?

18 MR. CUNNINGHAM: I thought you did a fine job.

19 HEARING OFFICER KNITTLE: Thank you, very much.

20 That's pretty much all we have. The hearing is

21 closed. Thank you all very much for attending.

22 We are back on the record pursuant to an off the

23 record discussion. The petitioner has one last item

24 he wishes to add, and there is no objection from the

25 agency.

1 MR. CUNNINGHAM: Basically I just -- it occurred  
2 to me that I had intended to state for the record that  
3 during the course of working on this adjusted standard  
4 with Illinois EPA that Illinois EPA has been very  
5 cooperative in helping us move this along quickly in a  
6 mutually agreeable manner. And I think when Illinois  
7 EPA does this good that it's worth putting it on the  
8 record.

9 HEARING OFFICER KNITTLE: Mr. Perzan, do you have  
10 anything to add to that?

11 MR. PERZAN: No.

12 HEARING OFFICER KNITTLE: Here again the record  
13 will be closed and this hearing will be ended. Thank  
14 you all again.

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