

ILLINOIS POLLUTION CONTROL BOARD
March 3, 2014

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IN THE MATTER OF:)
)
COAL COMBUSTION WASTE (CCW) AND) R14-10
SURFACE IMPOUNDMENTS AT POWER) (Rulemaking - Water)
GENERATING STATIONS: PROPOSED)
NEW 35 ILL. ADM. CODE PARTS 841)

STATE OF ILLINOIS
Pollution Control Board

 ORIGINAL

HEARING OFFICER ORDER

In an order dated December 6, 2013, the hearing officer scheduled two hearings and set filing deadlines for both of them. The first of the two hearings took place as scheduled on February 26 and 27, 2014, in Springfield. The Board expects to receive the transcript of the first hearing no later than March 11, 2014. When the Board receives the transcript, it will be promptly posted to the Clerk's Office On-Line (COOL) on the Board's Web page (www.ipcb.state.il.us).

At the conclusion of the first hearing, participants requested changes to deadlines for pre-filing testimony and questions for the second hearing. ***Participants present agreed to the following filing deadlines for the second hearing, which replace those set in the December 6, 2013 hearing officer order. The second hearing will take place as originally scheduled.***

First, the Illinois Environmental Protection Agency (Agency) agreed to respond in writing to questions and requests for information during the first hearing. The Agency agreed to file these responses with the Board no later than Tuesday, March 25, 2014.

Second, pre-filed testimony and any related exhibits on behalf of any participant for the second hearing must be filed no later than Wednesday, April 9, 2014. In order to expedite the second hearing and make it more efficient, participants are directed to pre-file written questions based on any of the pre-filed testimony no later than Wednesday, April 30, 2014. *See* 35 Ill. Adm. Code 102.424(a), (b). If any witness wishes to prepare and submit written answers to these pre-filed questions, he or she may do so by filing those answers with the Board's Clerk.

In addition, participants may pre-file questions based upon the Agency's responses no later than Wednesday, April 30, 2014. If the Agency wishes to prepare and submit written answers those pre-filed questions, it may do so by filing those answers with the Board's Clerk.

The "mailbox rule" (*see* 35 Ill. Adm. Code 101.300(b)(2)) does not apply to the filing of the Agency's responses, pre-filed testimony for the second hearing, or questions for the second hearing, and the Board's Clerk must receive these documents before the close of business on the respective deadlines. However, this testimony may be filed electronically through COOL. *See* 35 Ill. Adm. Code 101.302(d) (prior approval of electronic filing). Please direct any questions about electronic filing to the Clerk's Office at (312) 814-3629.

Before filing pre-filed testimony, pre-filed questions, or any other document with the Clerk, please obtain the most recent version of the Service List through COOL or by contacting the Clerk's Office.

IT IS SO ORDERED.



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