

ILLINOIS POLLUTION CONTROL BOARD  
May 26, 2015

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STATE OF ILLINOIS  
Pollution Control Board

IN THE MATTER OF: )  
)  
PUBLIC WATER SUPPLIES: PROPOSED ) R15-22  
AMENDMENTS TO 35 ILL. ADM. CODE ) (Rulemaking - Water)  
PARTS 601, 602, AND 603 )

**NOTICE OF HEARING**

 ORIGINAL

DATES, TIMES, AND PLACES:

FIRST HEARING: THURSDAY, JULY 2, 2015, at 11:00 A.M.

Illinois Pollution Control Board  
Room 11-512  
James R. Thompson Center  
100 W. Randolph St.  
Chicago, Illinois

SECOND HEARING: MONDAY, AUGUST 17, 2015, at 10:00 A.M.

Illinois Environmental Protection Agency  
Chestnut Room  
1021 N. Grand Ave. E., main entrance (Grand Avenue)  
Springfield, Illinois

PURPOSE OF HEARINGS: Merit and Economic  
ATTENDING BOARD MEMBER: Gerald M. Keenan  
HEARING OFFICER: J. Mark Powell

**HEARING OFFICER ORDER**

On May 8, 2015, the Illinois Environmental Protection Agency (IEPA) filed a proposal to amend Parts 601, 602, and 603 of the Board's rules governing public water supplies (35 Ill. Adm. Code 601, 602, 603). Accompanying the proposal were documents including a Statement of Reasons (SR) and a Motion for Acceptance of the proposal. *See* 35 Ill. Adm. Code 102.202 (Proposal Contents for Regulations of General Applicability). IEPA states that the proposed amendments are intended to (1) update Parts 601 through 603; (2) consolidate the community water supply permitting rules in Parts 652 and 602; and (3) amend Part 603 to be consistent with recent amendments to the Public Water Supply Operations Act, 415 ILCS 45 (2012). SR at 1.

In compliance with the Americans with Disabilities Act and other applicable federal and State laws, the hearing will be accessible to individuals with disabilities. Persons requiring auxiliary aids and services should contact John Theriault, Clerk of the Board, at 100 West Randolph St., Suite 11-500, Chicago, Illinois 60601, at telephone number 312/814-6931, fax number 312/814-3669, or TDD number 312/814-6032, five days prior to the hearing.

IEPA asserts that the proposed regulations seek to streamline the permitting rules and update the existing regulations to be consistent with recent statutory changes. SR at 27.

On May 21, 2015, the Board issued an order accepting the proposal for hearing and directing the assigned hearing officer to schedule and proceed to hearing.

### **Hearings and Prefiling of Testimony**

Two hearings are presently scheduled, as stated in the above notice. The first hearing will be held in Chicago, beginning at 11:00 a.m. on July 2, 2015. The second hearing will be held in Springfield, beginning at 10:00 a.m. on August 17, 2015. The purpose of these hearings is to allow the Board to receive testimony from IEPA and other interested participants on the merits and economic impact of the rulemaking proposal. At hearing, all persons who testify will be sworn and subject to questioning.

The hearing officer intends to begin the first hearing with IEPA's testimony in support of its proposal. Any person who wishes to testify at the first hearing must pre-file his or her testimony and any related exhibits with the Clerk of the Board no later than June 2, 2015. The hearing officer directs participants to pre-file questions no later than June 25, 2015, for witnesses who pre-filed testimony. At the hearing, all pre-filed testimony and questions will be entered into the record as if read. *See* 35 Ill. Adm. Code 102.424(f). A brief introduction or summary of testimony will be allowed if a witness wishes to provide one before responding to questions.

Participants wishing to offer a public comment during the hearings will be allowed to do so if time permits at the close of testimony and questions. The Board's procedural rules also include an opportunity to file post-hearing comments. *See* Ill. Adm. Code 102.108(b).

Any person who intends to testify at the second hearing must pre-file his or her testimony and any related exhibits no later than July 27, 2015. Questions based on any testimony pre-filed for the second hearing must be filed no later than August 10, 2015. At the hearing, all pre-filed testimony and questions will be entered into the record as if read. *See* 35 Ill. Adm. Code 102.424(f). A brief introduction or summary of testimony will be allowed if a witness wishes to provide one before beginning to respond to questions.

If necessary, the hearing officer will begin the second hearing by concluding IEPA's testimony and questions based upon it. Next, participants who pre-filed testimony for the second hearing will present that testimony and respond to questions. As time permits after the conclusion of pre-filed testimony and questions based upon it, participants who do not pre-file testimony for the second hearing will then be allowed to testify and respond to questions.

Participants wishing to offer public comments during the hearing will be allowed to do so if time permits at the close of testimony and questions.

The "mailbox rule" (*see* 35 Ill. Adm. Code 101.300(b)(2)) does not apply to the filing of pre-filed testimony or pre-filed questions, and the Board's Clerk must therefore receive these documents before the close of business on the respective deadlines. These documents may also



be filed electronically through COOL. Any questions about electronic filing should be directed to the Clerk's Office at (312) 814-3629.

### **Service and Notice Lists**

The hearing officer has established a Service List and will maintain a Notice List for this proceeding. *See* 35 Ill. Adm. Code 102.422(a), (b). The Service List for this rulemaking includes persons expected to participate actively in this proceeding. Those persons will receive not only the Board's opinions and orders in this docket but also other filings such as pre-filed testimony and questions. *See* 35 Ill. Adm. Code 102.422(b). The Notice List includes participants who wish to receive copies only of the Board's opinions and orders and hearing officer orders. 35 Ill. Adm. Code 102.422(a).

Because it is not clear that environmental organizations received notice of the IEPA's proposal during its outreach to interested parties, the hearing officer will include on the Notice List for this proceeding the Environmental Law and Policy Center and the Southeast Environmental Task Force. The remaining persons on the Notice List will, at least initially, be those who appeared on Notice Lists in prior related rulemakings. Anyone else who wishes to be added to the Notice List should contact the hearing officer.

IT IS SO ORDERED.

  
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J. Mark Powell, Hearing Officer  
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mark.powell@illinois.gov