

ILLINOIS POLLUTION CONTROL BOARD

October 15, 2019

METROPOLITAN WATER)	
RECLAMATION DISTRICT OF GREATER)	
CHICAGO,)	PCB 16-28
)	(Time-Limited Water Quality Standard)
Petitioner,)	
)	
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

NOTICE OF HEARING

DATES, TIMES, AND PLACES:

HEARING: December 11, 2019, beginning at 9:00 a.m., to be continued
if necessary on December 12, 2019, beginning at 9:00 a.m.

By videoconference on December 11, 2019 between:

IPCB CHICAGO HEARING ROOM	and	IPCB SPRINGFIELD HEARING ROOM
Room 2-025		Conference Room 1244 N, 1 st Floor
James R. Thompson Center		Illinois Environmental Protection Agency
100 W. Randolph St.		1021 N. Grand Avenue East, North Entrance
Chicago Illinois 60601		Springfield, Illinois 62702

By videoconference on December 12, 2019, if necessary, between:

IPCB CHICAGO HEARING ROOM	and	IPCB SPRINGFIELD HEARING ROOM
Room 11-512		Conference Room 1244 N, 1 st Floor
James R. Thompson Center		Illinois Environmental Protection Agency
100 W. Randolph St.		1021 N. Grand Avenue East, North Entrance
Chicago, Illinois 60601		Springfield, Illinois 62702

HEARING OFFICER ORDER

On July 26, 2018, the Metropolitan Water Reclamation District of Greater Chicago (MWRD) filed an amended petition for a dissolved oxygen (DO) time-limited water quality standard (TLWQS). 35 Ill. Adm. Code 104 Subpart E. MWRD is seeking TLWQS for discharges from Combined Sewer Overflow (CSO) outfalls into the Chicago Area Waterways System. MWRD requests TLWQS for CSO outfalls covered under the National Pollutant Discharge Elimination System permits issued to its O'Brien, Calumet and Stickney wastewater treatment plants. On March 28, 2019, the Board found that MWRD's amended petition is in substantial compliance with the Environmental Protection Act and Board regulations. The Board directed the hearing officer to schedule a public hearing. MWRD v. IEPA, PCB 16-28 (March 28, 2019).

On October 4, 2019, a telephonic conference was held where it was agreed that the hearing in the above-captioned matter will be held on December 11, 2019 and, if necessary, continue on December 12, 2019. The hearing will be by videoconference between the Board's offices. Today's order sets the dates for the hearing and the prefiling deadlines for written testimony and questions.

The Board's procedural rules provide that "[a]ny Board hearing may be held by videoconference." The rule provides factors that a hearing officer will consider in determining whether to hold a hearing by videoconference. *See* 35 Ill. Adm. Code 101.600(b). Videoconference hearings reduce travel costs for Board members and staff, witnesses and participants. Based on these considerations, the hearing will be conducted by videoconference between its offices.

Matters to be discussed at the hearing are issues related to dissolved oxygen TLWQS applicable to discharges from MWRD's CSO outfalls into the CAWS. Below is a link to the Board's website where the initial petition and the amended petition can be obtained along with supporting documentation and other relevant materials. *See* 35 Ill. Adm. Code 104.555 (b) (3) and (4).

<https://pcb.illinois.gov/>

[Additionally, the link to the initial petition is:](#)

<https://pcb.illinois.gov/documents/dsweb/Get/Document-89655>

[The link to the amended petition is:](#)

<https://pcb.illinois.gov/documents/dsweb/Get/Document-98349>

Hearing and Pre-Filed Testimony and Questions

The Board will conduct this hearing to allow the MWRD, the IEPA and any other interested participants to testify and present comments on the merits. Participants may make relevant oral statements on the record and must be made under oath and subject to cross-examination. All persons wishing to testify at hearing will be sworn in and subject to questioning. *See* Ill. Adm. Code 101.628 (a). Any participant may submit written statements relevant to the subject matter at any time before hearing or at hearing and will be subject to cross-examination. *See* Ill. Adm. Code 101.628 (b). Oral public comment may be made on the record at hearing and is not subject to cross-examination. *See* Ill. Adm. Code 101.628 (c).

Unless the Board, hearing officer, Clerk or procedural rules provide otherwise, all documents in this proceeding must be filed electronically through the Clerk's Office On-Line (COOL). 35 Ill. Adm. Code 101.302 (h), 101.1000 (c), Subpart J. Documents may generally be served by e-mail if the recipient has consented to e-mail service and has not revoked the consent. 35 Ill. Adm. Code 101.1060.

The deadline to pre-file testimony with the Board is November 8, 2019, by 4:30 p.m. (the time the Clerk's office stops accepting filings date stamped that day). Pre-filed questions based on the pre-filed testimony must be filed with the Board, by November 27, 2019, at 4:30 p.m.

For this videoconference hearing, any document to be offered as a hearing exhibit must be received by the Clerk's Office at least 24 hours before the scheduled start of the hearing. 35 Ill. Adm. Code 102.424 (h). If not filed at least 24 hours before scheduled start of the videoconference hearing, the document will not be allowed at the hearing but may be filed as a public comment after the hearing. *Id.*

The hearing will begin with MWRD questioning the Illinois Environmental Protection Agency (IEPA) expert witness. After MWRD, the order for testifying will be established by the hearing officer, after consultation with those who have pre-filed testimony.

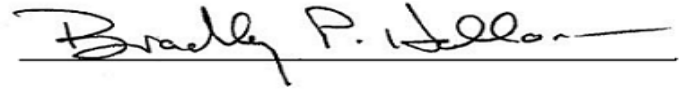
Written Public Comment

Written public comment may be filed with the Board at any time until the conclusion of the comment period. That date will be announced by hearing officer order after the close of hearings. If you have any questions regarding written public comment you may contact the hearing officer or the Clerk of the Board.

Availability of Filings

All filings in this proceeding will be available on the Board's web page at www.ipcb.state.il.us and participants may file electronically on the Board's web page. The prefiled testimony and prefiled questions must be served on the persons on the service list.

IT IS SO ORDERED.

A handwritten signature in black ink, reading "Bradley P. Halloran", is written over a horizontal line.

Bradley P. Halloran
Hearing Officer
Illinois Pollution Control Board
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