

ILLINOIS POLLUTION CONTROL BOARD
July 14, 2020

IN THE MATTER OF:)
)
STANDARDS FOR THE DISPOSAL OF) R20-19
COAL COMBUSTION RESIDUALS IN) (Rulemaking - Land)
SURFACE IMPOUNDMENTS: PROPOSED)
NEW 35 ILL. ADM. CODE 845)

NOTICE OF HEARING

DATES, TIMES, AND PLACES:

FIRST HEARING: August 11, 12, and 13, 2020
Beginning at 9:00 AM

IN PERSON: SANGAMO ROOM
Illinois EPA Building
1021 N. Grand Ave. E.
SPRINGFIELD

Due to the Coronavirus Disease (COVID-19), and the Executive Orders in effect at the time of this notice, the Board is introducing an additional platform to encourage participation and public safety. If anybody has questions please contact the Hearing Officer, Vanessa Horton, at 312-814-5053, or by email at Vanessa.Horton@Illinois.Gov. If there are connection issues, please contact Marie Tipsord at 312-814-4925.

BY COMPUTER: Click this link:

<https://illinois.webex.com/illinois/j.php?MTID=m2ddaa544419ceb1016b11e1f9ab65f20>

This will take you to the Cisco Webex page for the hearing. Enter your information and click the “Join Now” button. You may be prompted for a Meeting Number or Password which are below.

Meeting number (access code): 288 340 754
Meeting password: Me9rTrvwT66

BY PHONE: Call US Toll: 1-312-535-8110, or, or US Toll: 1-415-655-0002 and when prompted enter the meeting number, below.

Meeting number (access code): 288 340 754
Meeting password: Me9rTrvwT66

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 Don Brown, Clerk of the Board, at 100 West Randolph St., Suite 11-500, Chicago, Illinois 60601, at telephone number (312) 814-3620, fax number (312) 814-3669, or TDD number (866) 323-1677, five days prior to the hearing.

SECOND HEARING: September 29, 30 and October 1, 2020
Beginning at 9:00 AM

IN PERSON: JAMES R. THOMPSON CENTER
Room 9-040
100 W. Randolph St.
CHICAGO

BY COMPUTER: Click this link:

<https://illinois.webex.com/illinois/j.php?MTID=me73dea6d7bfd59a3958135300505c733>

This will take you to the Cisco Webex page for the hearing. Enter your information and click the “Join Now” button. You may be prompted for a Meeting Number or Password which can be found below.

Meeting number (access code): 133 318 4681
Meeting password: 3keBGtX8PP3

BY PHONE: Call US Toll: 1-312-535-8110, or US Toll: 1-415-655-0002 and when prompted enter the meeting number, below.

Meeting number (access code): 133 318 4681
Meeting password: 3keBGtX8PP3

PURPOSE OF HEARING: Merit and Economic

ATTENDING BOARD MEMBERS: Barbara Flynn Curie

HEARING OFFICER: Vanessa Horton

HEARING OFFICER ORDER

On March 30, 2020, the Illinois Environmental Protection Agency (IEPA) filed a rulemaking, proposing new rules at 35 Ill. Adm. Code 845 concerning coal combustion residual surface impoundments at power generating facilities in the State. The Board is required to adopt new rules for 35 Ill. Adm. Code 845 by March 30, 2021.

IEPA Motion for Extension of Time

On June 30, 2020, a motion (Motion) was filed by IEPA requesting an extension of time for the deadline to file pre-filed answers. Motion at 2. Due to the number of pre-filed questions, IEPA requested that the hearing officer change the date the pre-filed answers are due from July 24, 2020, to August 3, 2020. Motion at 2-3. No response was filed to the motion.

The hearing officer grants the motion to change the deadline for pre-filed answers to August 3, 2020. Setting this new date will require changing the dates for both hearings in this matter as well. The first hearing in this matter will be rescheduled to August 11, 12 and 13, 2020, and will be held in-person in the Sangamo Room of the IEPA building in Springfield. Participants will be able to attend the hearings in person or via Cisco WebEx or by telephone.

The first hearing will deal primarily with IEPA testimony. To accommodate members of the public who might attend the Springfield hearing in person, there will be time dedicated solely to public comment. For the first hearing, those public comment times will be:

August 12, 2020, from 5 p.m. to 7 p.m.

August 13, 2020, from 12 p.m. to 1 p.m.

If the hearing room is at capacity, persons wishing to make public comments will be asked to line up outside the room (in a socially distant manner) and will be ushered in to the room to make their comment. If participants will require an interpreter during the above-mentioned public comment periods in the first hearing, e-mail the hearing officer by July 29, 2020 with the formal request.

The date of the second hearing is changed to September 29, 30 and October 1, 2020, and will held in-person at the Thompson Center, room 9-040 in Chicago. Participants will be able to attend the hearings in person or via Cisco WebEx or by telephone.

The second hearing will deal with all additional testimony and public comment. The Board will give equal weight to public comment, whether presented in-person, via WebEx, via telephone or in writing. Prefiled testimony must be filed electronically by August 27, 2020. Prefiled questions based on that testimony must be filed electronically by September 10, 2020. Prefiled answers based on those questions must be filed electronically by September 24, 2020.

A prehearing teleconference is scheduled for 10 a.m. on September 14, 2020. A hearing officer order with the phone number and passcode, as well as outline of issues that will be discussed will be issued closer to that date.

Any document to be offered as a hearing exhibit in either hearing 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 the scheduled start of the hearings, the document will not be admitted as an exhibit at the hearing but may be filed as a public comment after the hearing. *Id.*

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), 101.Subpart J.

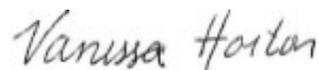
Written Public Comment

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 the second hearing. 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 website at www.pcb.illinois.gov in docket R20-19. The prefiled testimony, prefiled questions, and prefiled answers must be served on the persons on the service list, which is available in docket [R20-19](#).

IT IS SO ORDERED.



Vanessa Horton
Hearing Officer
Illinois Pollution Control Board
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Chicago, Illinois 60601
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