

ILLINOIS POLLUTION CONTROL BOARD
January 13, 2022

IN THE MATTER OF:)
)
PROPOSED AMENDMENTS TO) R22-18
GROUNDWATER QUALITY) (Rulemaking – Public Water Supplies)
35 ILL. ADM. CODE 620)

NOTICE OF HEARING

DATES, TIMES, AND LOCATIONS:

FIRST HEARING: March 9, 2022, to be continued, if necessary, to March 10, 2022
Beginning at 9:00 a.m.

BY VIDEOCONFERENCE BETWEEN

Sangamo Room
1021 N. Grand Avenue E.
SPRINGFIELD

Pollution Control Board Conference Room, Suite 11-500
James R. Thompson Center
100 W. Randolph Street
CHICAGO

SECOND HEARING: April 4, 2022, to be continued, if necessary, to April 5, 2022
Beginning at 9:00 a.m.

BY VIDEOCONFERENCE BETWEEN

Room 9-040
James R. Thompson Center
100 W. Randolph Street
CHICAGO

Pollution Control Board Conference Room
1021 N. Grand Avenue E.
SPRINGFIELD

PURPOSE OF HEARINGS:

Merit and Economic

ATTENDING BOARD MEMBERS:

Barbara Flynn Currie
Michelle Gibson

HEARING OFFICER:

Vanessa Horton

HEARING OFFICER ORDER

On December 7, 2021, the Illinois Environmental Protection Agency (IEPA or Agency) proposed that the Board amend Part 620 of its groundwater quality regulations. Included with its initial filing was the Agency's Statement of Reasons (SR). The Agency described the purpose of the amendments as, "[u]pholding the policy of the Illinois Groundwater Protection Act (IGPA), this proposal seeks to amend 35 Ill. Adm. Code 620, keeping groundwater quality standards current as scientific data and methods supporting the development of groundwater quality standards have evolved." SR at 1.

The Board will conduct two hearings to allow IEPA and any other interested participants to testify and comment on the merits an economic impact of the proposed rule. *See* 415 ILCS 5/28(a) (2020); 35 Ill. Adm. Code 102.412(a).

The Board's procedural rules provide that "[a]ny Board hearing may be held by videoconference." The rules list factors that hearing officers consider when determining whether to hold a hearing by videoconference. 35 Ill. Adm. Code 101.600(b).

The Board expects that its videoconference facilities will accommodate attendance and participation at these hearings. Additionally, videoconference hearings would reduce the time and cost of travel for the Board and hearing participants. Having considered these factors, the Board concludes to conduct both of the required hearings by videoconference between Chicago and Springfield. 35 Ill. Adm. Code 101.600(b).

First Hearing

The first hearing will deal solely with IEPA testimony. Included within IEPA's initial proposal was pre-filed testimony from its two expected witnesses. To expedite the first hearing, participants who have questions based on pre-filed testimony are urged to pre-file those questions by February 18, 2022. *See* 35 Ill. Adm. Code 104.424(b). Pre-filed answers based on those questions should be filed by March 4, 2022.

Participants wishing to offer oral public comment will be allowed to do so as time allows before the end of the hearing. Participants may also file post-hearing comments electronically. *See* 35 Ill. Adm. Code 102.108(b).

Second Hearing

The focus of the second hearing will be testimony from other interested parties. The hearing officer will issue an order after the conclusion of the first hearing setting the dates for pre-filed testimony, questions and answers for the second hearing.

Participants wishing to offer oral public comment will be allowed to do so as time allows before the end of the hearing. Participants may also file post-hearing comments electronically. *See* 35 Ill. Adm. Code 102.108(b).

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.

In a letter dated January 6, 2022, the Board's Chair requested that the Department of Commerce and Economic Opportunity (DCEO) conduct an economic impact study of the amended proposal and respond to the request by February 20, 2022. At the second hearing, the Board will receive testimony on any response received by DCEO. *See* 415 ILCS 5/27(b) (2020).

Pre-filed Testimony

Participants pre-filing testimony for either of the two hearings are directed to serve it on all persons on the Service List at the time of pre-filing. *See* 35 Ill. Adm. Code 102.424(c). Before filing any document with the Board's Clerk, please obtain the current version of the Service List through the Clerk's Office On-Line (COOL) on the Board's website (<https://pcb.illinois.gov>) or by calling the Clerk's Office at 312-814-3461. Documents may generally be served by e-mail if the recipient has consented to e-mail service and has not revoked consent. 35 Ill. Adm. Code 101.1060. Participants in this rulemaking are encouraged to provide consent to e-mail service of documents. *See* 35 Ill. Adm. Code 101.1070(a).

All persons wishing to testify at either hearing will be sworn in and subject to questioning. 35 Ill. Adm. Code 102.428(a). At both hearings, all pre-filed testimony will be entered into the record as if read. *See* 35 Ill. Adm. Code 102.424(f). a brief introduction or summary of the pre-filed testimony will be allowed if a witness wishes to provide one before responding to questions.

For these videoconference hearings, the Board's rules require that 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 the scheduled start of the videoconference hearing, 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 COOL. 35 Ill. Adm. Code 101.302(h), 101.1000(c), 101.Subpart J.

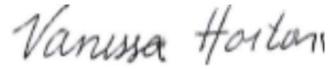
Service and Notice Lists

The Board has established and will maintain both a Notice List and a Service List for this proceeding. The Notice List includes participants who wish to receive only the Board's opinion and orders and hearing officer orders. 35 Ill. Adm. Code 102.422(a). The Service List includes participants who expect to participate more actively and wish to also receive other filings such as pre-filed testimony. *See* 35 Ill. Adm. Code 102.422(b).

Note that any interested person may request electronic notice of filings by providing an e-mail address through COOL under this docket number R22-18. This electronic notice includes notice of filing documents that are not typically provided to persons on the Notice List. In addition, COOL provides links to documents filed with the Board, and those documents can be

viewed, downloaded, and printed free of charge as soon as they are posted to the Board's website.

IT IS SO ORDERED.



Vanessa Horton

Hearing Officer

Illinois Pollution Control Board

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