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STATE OF ILLINOIS  
Pollution Control Board

ILLINOIS POLLUTION CONTROL BOARD  
February 2, 2022

IN THE MATTER OF: )  
)  
AMENDMENTS TO 35 ILL. ADM. CODE ) R 18-23  
SUBTITLE C: WATER POLLUTION ) (Rulemaking - Water)

In an order on November 4, 2021, the hearing officers scheduled two hearings, with the second on Thursday, February 3, 2022, by videoconference between the Board's Springfield and Chicago offices. Because of forecasts for unusually severe winter weather and a disaster proclamation issued by the Governor based on the winter storm, the Board on February 1, 2022, cancelled that hearing. As the order indicated it would, the Board below re-schedules that cancelled hearing.

**NOTICE OF RE-SCHEDULED HEARING**

**DATE, TIME, AND LOCATIONS:**

Thursday, March 17, 2022, beginning at 10:00 AM

Please note that there is a regular Board videoconference meeting scheduled at 11:00 AM on this date. If necessary, the hearing officer will recess the hearing for that meeting and then resume the hearing soon after the Board meeting adjourns.

**BY VIDEOCONFERENCE BETWEEN**

IPCB CHICAGO HEARING ROOM and IPCB SPRINGFIELD HEARING ROOM

Conference Room 11-512  
James R. Thompson Center  
100 W. Randolph Street

Conference Room 1244N, First Floor  
1021 N. Grand Ave. E.  
North Entrance

PURPOSE OF HEARING: Merit and Economic  
PRESIDING BOARD MEMBERS: Cynthia M. Santos and Jennifer Van Wie  
HEARING OFFICERS: Timothy Fox and Mark Kaminski

**HEARING OFFICER ORDER**

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

**Pre-filed Testimony**

Participants who intend to testify at the second hearing are directed to pre-file all of their testimony and related exhibits no later than Thursday, March 10, 2022. *See* 35 Ill. Adm. Code 102.424(a).

The Board's November 4, 2021 proposal for public comment welcomed comment on all aspects of the proposal, and the Board sought comment on a number of specific matters. The Board requests that participants submit testimony that responds to these specific requests.

For this videoconference hearing, 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.

Participants pre-filing testimony for the hearing 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 Web site (<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).

### **Hearing**

All persons wishing to testify at the hearing will be sworn in and subject to questioning. 35 Ill. Adm. Code 102.428(a). At the hearing, 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.

The hearing officers intend to begin the hearing with participants who pre-filed testimony and questions based on that testimony. Participants who did not pre-file testimony will be allowed to testify and respond to questions as time permits. *See* 35 Ill. Adm. Code 104.424(g).

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

In a letter dated October 26, 2021, 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 December 10, 2021. In a letter dated November

17, 2021, DCEO respectfully declined the Board's request. At the hearing, the Board will receive testimony on DCEO's decision. *See* 415 ILCS 5/27(b) (2020).

**Service and Notice Lists**

The Board has established and will maintain both a Notice List and Service List for this proceeding. The Notice List includes participants who wish to receive only the Board's opinions 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 also to 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 R18-23. This electronic notice includes notice of filing of 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 web site.

IT IS SO ORDERED.



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