

1 BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

2

3 IN THE MATTER OF: )

4 ) R03-19

5 PROPOSED AMENDMENTS TO:) (NPDES Rulemaking)

PUBLIC PARTICIPATION )

**RECEIVED**  
CLERK'S OFFICE

6 RULES IN 35 ILL.ADM. )

DEC - 4 2003

CODE PART 309 NPDES )

STATE OF ILLINOIS  
*Pollution Control Board*

7 PERMITS AND PERMITTING )

PROCEDURES )

8 )

9

10 REPORT OF PROCEEDINGS in the  
11 above-entitled cause before KATHLEEN J. PACULT, a  
12 Certified Shorthand Reporter within and for the  
13 County of Cook, State of Illinois, taken on the 19th  
14 day of November 2003, at the hour of 10:00 a.m., at  
15 100 West Randolph, Room 11-512, Chicago, Illinois.

16

17

18

19

20

21

22

23

TAKEN FOR: L.A. Reporting

24 TAKEN BY: Kathleen J. Pacult, CSR

1 MS. TIPSORD: Good morning, my name is  
2 Mary Tipsord and I have been appointed by the Board  
3 to serve as hearing officer in this proceeding  
4 entitled In The Matter Of Proposed Amendments To:  
5 Public Participation Rules In 35 Ill. Adm. Code Part  
6 309 NPDES Permits and Permitting Procedures Docket  
7 number R03-19. To my right Dr. Tanner Girard, the  
8 lead Board member assigned to this matter. Also  
9 present are Board Members Nicholas J. Melas and  
10 Michael Tristano who have also been assigned to this  
11 matter.

12 This is the third hearing to be  
13 held in this proceeding. The purpose of today's  
14 hearing is twofold. First, this rulemaking is  
15 subject to Section 27(b) of the Environmental  
16 Protection Act (Act). 415 ILCS 5/27(b) (2000).  
17 Section 27(b) of the Act requires the Board to  
18 request the Department of Commerce and Community  
19 Affairs, now known as the Department of Commerce and  
20 Economic Opportunity (DCEO) to conduct an economic  
21 impact study (EcIS) on certain proposed rules prior  
22 to adoption of those rules. If DCEO chooses to  
23 conduct an EcIS, DCEO has 30 to 45 days after such  
24 request to produce a study of the economic impact of

1 the proposed rules. The Board must then make the  
2 EcIS, or DCEO's explanation for not conducting the  
3 study, available to the public at least 20 days  
4 before a public hearing on the economic impact of  
5 the proposed rules.

6 In accordance with Section 27(b)  
7 of the Act, the Board has requested by letter dated  
8 April 9th, 2003, that DCEO conduct an economic  
9 impact study for the above-referenced rulemakings.  
10 On April 17, 2003, DCEO responded that DCEO does not  
11 have the staff resources to perform EcIS studies on  
12 Board rulemakings. A copy of the letter is  
13 available here at the front of the room.

14 The second purpose of this hearing  
15 is to hear any testimony and allow questions of the  
16 testifiers. Is there anyone that I have not spoken  
17 to that wishes to testify?

18 The order in which we will hear  
19 testimony is we will start with the Illinois  
20 Environmental Regulatory Group with Katherine Hodge,  
21 and we will follow with Albert Ettinger, who  
22 represents the proponent from this rulemaking, and  
23 also Toby Frevert is here from the EPA if anyone has  
24 questions of him.

1                   Anyone may ask a question,  
2           however, I do ask that you raise your hand and wait  
3           for me to acknowledge you. After I have  
4           acknowledged you, please state your name and whom  
5           you represent before you begin your questions.  
6           Please speak one at a time. If you are speaking  
7           over each other the court reporter will not be able  
8           to get your questions on the record.

9                   Please note that any question  
10          asked by a Board Member or Staff are intended to  
11          help build a complete record for the Board's  
12          decision and not to express any preconceived notion  
13          or bias.

14                   Dr. Girard?

15                   DR. GERARD: On behalf of the Board, I  
16          would like to welcome everyone to the third hearing  
17          in this rulemaking. Even though this rulemaking did  
18          not come to us as a negotiated rulemaking, I know  
19          that the participants have spent a lot of time since  
20          it has been introduced to try to come to some  
21          agreements on many of the areas, and we are pleased  
22          to see that that has occurred, and we look forward  
23          to the hearing today to further refine some of the  
24          areas of disagreement. And I am sure that we will

1 have a much better rulemaking because of your time  
2 and participation. So, thank you. We look forward  
3 to your testimony and comments and questions today.

4 MS. TIPSORD: Mr. Tristano?

5 MR. TRISTANO: No.

6 MS. TIPSORD: With that we will begin  
7 with the testimony.

8 MR. MESSINA: Good morning, my name is  
9 Alec Messina. I am the general counsel for the  
10 Illinois Environmental Regulatory Group. I am here  
11 today with Kathy Hodge, who is the executive  
12 director for IERG, and we have prepared some brief  
13 testimony that she would like to present.

14 (Witness duly sworn.)

15 Good morning. My name is  
16 Katherine Hodge, and I am Executive Director for the  
17 Illinois Environmental Regulatory Group or IERG for  
18 short. On behalf of IERG and its member companies,  
19 I want to thank the Illinois Pollution Control Board  
20 for the opportunity to present this testimony today.

21 IERG is a not-for-profit Illinois  
22 corporation comprised of some 67 member companies  
23 engaged in industry, commerce, agriculture, and  
24 other related activities, that are regulated by

1 governmental agencies that promulgate, administer or  
2 enforce environmental laws and regulations. IERG  
3 was organized to promote and advance the interests  
4 of its members before governmental agencies, such as  
5 the Illinois Environmental Protection Agency and the  
6 Board, as well as before judicial bodies. Moreover,  
7 IERG is an affiliate of the Illinois State Chamber  
8 of Commerce, which is more than 5,000 members in the  
9 State.

10 IERG submits the following  
11 testimony in response to the proposed rulemaking  
12 entitled "Proposed Amendments To: Public  
13 Participation Rules in 35 Ill. Adm. Code Part 309  
14 NPDES Permits and Permitting Procedures (R03-19)."

15 IERG first became involved in this  
16 matter in the fall of 2002, at which time the  
17 proponents began to circulate drafts of the proposal  
18 to various interested parties, including  
19 representatives of the Illinois EPA and members of  
20 the regulated community. IERG reviewed the  
21 proposal, participated in preliminary hearings  
22 held by the Board and reviewed comments and  
23 testimony prepared by the various stakeholders, and  
24 reviewed with great interest the First Notice

1 Opinion and Order issued by the Board. In short,  
2 IERG concurs with much of the Board's opinion, while  
3 still holding reservations regarding the need or  
4 justification for this proposal. Further, we  
5 believe that there are several areas in the proposal  
6 that require further illumination on the part of the  
7 Illinois EPA through testimony and, potentially,  
8 additional fine-tuning of the language.

9                   Turning then to the First Notice  
10 language adopted by the Board, IERG testifies as  
11 follows:

12                   Section 309.105(f) and (g): For  
13 the reasons expressed in the Board's Opinion, as  
14 well as for the reasons set forth in IERG's earlier  
15 comments, we concur with the Board's decision not to  
16 proceed to First Notice with proposed new Sections  
17 309.105(f) and (g).

18                   Section 309.107(c): IERG agrees  
19 that this provision merely codifies a procedure that  
20 the Illinois EPA is already in the midst of  
21 implementing, and therefore concurs with the Board's  
22 decision.

23                   Section 309.108(c): Conceptually,  
24 IERG concurs with the Board's Opinion with regards

1 to this provision, as it remains our understanding  
2 that this language is merely a codification of the  
3 Agency's current practice, and does not place any  
4 additional requirements upon the Agency. We do,  
5 however, have some questions to ask later today  
6 before reaching a full understanding of the  
7 potential impact of this language.

8                   Sections 309.108(3), 309.117, and  
9 309.123: Changes to these three sections proposed  
10 by the proponents concern the same issue -- the  
11 Agency record. For a variety of reasons, the Board  
12 chose not to include or proceed with changes to  
13 Section 309.117 and 309.123. As the Board noted in  
14 its Opinion, and IERG concurs, all documents that  
15 would seemingly be covered by these changes must  
16 already be a part of the record based on the Board's  
17 existing procedural rules. With regards to Section  
18 309.108(e), however, IERG requires additional  
19 information we hope to obtain throughout the day  
20 before being able to comment sufficiently on this  
21 provision.

22                   Sections 309.109(a), 309.112,  
23 309.119, 309.121, 309.122: All of these sections  
24 concern the same issue -- the opportunity for



1 allowing further public comment in certain  
2 circumstances. In our earlier comments, IERG noted  
3 that we had very significant concerns with these  
4 provisions, but were interested in further exploring  
5 the compromise language included by the Agency in  
6 its comments. IERG looks forward to hearing  
7 testimony provided by the Agency with regards to  
8 this new language (now found in the renumbered  
9 309.120) and how it will be implemented, and likely  
10 will have questions to ask of the Agency. With  
11 regards to the language stricken or not accepted by  
12 the Board in Sections 309.109(a) and 309.122, for  
13 the reasons stated by the Board in its Opinion and  
14 for those reasons included in other stakeholder  
15 comments, IERG concurs with the ruling of the Board.

16 With regards to section 309.119,  
17 IERG appreciates the Board's inclusion of clarifying  
18 language pertaining to effective dates at the very  
19 end of the Section. As mentioned in the comments  
20 filed by IERG and other stakeholders, this language  
21 was developed and agreed to in a meeting following  
22 one of the preliminary hearings scheduled by the  
23 Board.

24 Section 309.113(a) 5 through 8:

1 With regards to paragraphs (6), (7), and (8), IERG  
2 concurs with the decision of the Board. The same  
3 cannot be said for its handling or rationale  
4 pertaining to paragraph (5) that requires the Agency  
5 to include a summary of changes between the public  
6 notice permit and the previous permit.

7 IERG concurs with comments filed  
8 by the Illinois EPA, which is uniquely positioned to  
9 offer a position on this matter, and other  
10 stakeholders that the language in this new paragraph  
11 is both not required and potentially costly and  
12 burdensome to the Agency. At a time when the Agency  
13 has an existing shortage of resources, and in an  
14 environment where a typical permitting action can  
15 take years, the Agency should not be forced to  
16 allocate additional staff time to a function that  
17 can already be completed by a diligent, interested  
18 party. In this instance, the benefit to the  
19 environment does not equal the cost to the Agency,  
20 will likely add to the time and expense of  
21 undertaking the NPDES permit writing effort, and  
22 will only delay a process which already takes a  
23 great deal of time now.

24 Section 309.143(a): This



1                   variability of the pollutant or  
2                   pollutant parameter in the  
3                   effluent, the sensitivity of the  
4                   species to toxicity testing (when  
5                   evaluating whole effluent  
6                   toxicity), and where appropriate,  
7                   the dilution of the effluent in  
8                   the receiving water.

9                   By including some language found  
10                  within the federal regulations, but not related  
11                  language that modifies the original language, the  
12                  State and the Board runs the risk of creating a  
13                  situation ripe for misinterpretation.

14                               Section 309.146(a)(2) and (5):

15                  This language was the subject of some discussion at  
16                  the stakeholder meeting after the second hearing.  
17                  Again, IERG believes its concerns were addressed and  
18                  can support the language included by the Board in  
19                  its First Notice Order.

20                               That closes my testimony today.

21                  Once again, we would like to thank the Board for the  
22                  opportunity to provide testimony in this rulemaking  
23                  and look forward to participating in the remainder  
24                  of this process.

1 MS. TIPSORD: Are there any questions  
2 for Ms. Hodge?

3 We will go next to testimony by  
4 Albert Ettinger.

5 (Witness duly sworn.)

6 MR. ETTINGER: I don't have too much  
7 to say here. I believe the arguments for the  
8 various proposals were presented in earlier  
9 language, and I don't want to waste anyone's time  
10 going over things that the Board has looked at  
11 before.

12 I'll say generally we pointed out  
13 a number of, shall we say, safety mechanisms on the  
14 ship that we thought were broken. I think the Board  
15 has fixed many of them. We think there are a few  
16 that are not fixed, and hopefully we will not come  
17 into an emergency for which those become important.

18 I just heard Ms. Hodge's  
19 presentation. I am not prepared to react to all of  
20 them.

21 The one I would react to now is on  
22 143 IERG proposes to add an additional sentence or  
23 another section to 143 after (a) that would add  
24 further language from 40 CFR 122. We have no

1 objection to that.

2 I do have a question of the Agency  
3 also. I want to ask a question about procedure.  
4 And some of Ms. Hodge's presentation presumes that  
5 there was going to be agency testimony today or  
6 further agency presentations. That's not my  
7 understanding. I had one question of the Agency so  
8 I am glad they are here, but I was not expecting  
9 that we were going to hear a lot from the agency.

10 MR. FREVERT: We are here.

11 MR. ETTINGER: So I guess my problem  
12 is if we were going to get a whole lot more  
13 enlightenment from the Agency, I think it's going to  
14 come in the form of the questions that we are going  
15 to raise now than any further presentation. That's  
16 my understanding.

17 With that, what I would like to do  
18 is ask just one -- most of this has been hashed over  
19 pretty well and if turns out that things don't work  
20 out, we can always make another petition. I have  
21 one thing here though that I think we should  
22 clarify. And that's what I would like to do is ask  
23 the Agency, does the Agency believe that given the  
24 Black Beauty decision that the Agency may reopen the

1 public comment record or comment period to receive  
2 further comments if it believes that further  
3 submissions may assist the Agency to reach an  
4 appropriate decision?

5 (Witness duly sworn.)

6 MR. FREVERT: If I understand your  
7 question right, you are asking if we believe we have  
8 the authority to extend the public comment to a  
9 second notice period and potentially even a second  
10 round of hearing?

11 MR. ETTINGER: Right now we have  
12 Section 121 and it provides circumstances in which  
13 the Agency shall allow written comment under various  
14 circumstances. My question is just whether the  
15 Agency feels whether it now has authority that it  
16 may reopen the record for public comment following a  
17 hearing if it feels it is necessary.

18 MR. FREVERT: Yes, I believe we do.

19 MR. ETTINGER: Nothing further of the  
20 Agency.

21 MS. TIPSORD: Any other questions for  
22 the Agency?

23 MR. MESSINA: I have several. With  
24 regards to Section 309.108(e), can you please

1 explain for the record, briefly touch on how the  
2 proposed section would influence the Agency's  
3 current practice regarding identifying or  
4 incorporating the documents in the Agency record?

5 MR. FREVERT: You are not talking  
6 about the language in the first draft, is that  
7 correct?

8 MR. MESSINA: I am talking about the  
9 language in the Board's First Notice.

10 MR. FREVERT: Well, I hope it won't  
11 require any change at all because I believe in  
12 reality that we do that as a matter of practice now.

13 MR. MESSINA: And following up on  
14 that, and also with regards to Subsection (c) before  
15 that, how would the Agency address the use of  
16 permitting its best professional judgment in making  
17 various permitting decisions?

18 MR. FREVERT: To the extent, I guess  
19 it all boils down to the science engineering staff,  
20 evaluation of all the information and interpretation  
21 of that. And, typically, in drafting a permit there  
22 are actual review notes or analysis notes that  
23 reflect the engineer's analysis and judgment. There  
24 are many other factors that go into that permit. So



1 typically they should be documented in writing in  
2 that regard.

3 MR. MESSINA: So then those notes,  
4 those engineer notes would be included in whatever  
5 documents that are made available?

6 MR. FREVERT: Certainly.

7 MR. MESSINA: Moving then to Section  
8 309.113, and specifically (a)5, in the Agency's  
9 comments filed after the second hearing, the Agency  
10 stated the re-issued permits are considered as  
11 stand-alone permits. In other words, the Agency  
12 reviews the requests as if it were a request for a  
13 new permit. If that's the case, then why would  
14 there be a need for providing a summary of change in  
15 the public notice permit and the previous permit?

16 MR. FREVERT: From my perspective  
17 there is no need for the Agency to the extent -- I  
18 guess to the extent that the interested member of  
19 the public assumes the regulations and the  
20 operational aspects of that facility are the same  
21 now as they were five years ago or whenever that  
22 permit was originally initiated. It may be some  
23 benefit in seeing how that permit has changed, but  
24 in reality, with ongoing federal requirements for

1 standard reviews and updates and operational changes  
2 and expansions and other things of these facilities,  
3 many times a renewed permit based on a new permit  
4 application, there are some fundamental things that  
5 will indeed change. And from my perspective, the  
6 more accurate and the more beneficial focus is to  
7 draft that permit based on the current  
8 circumstances, not try to go back and modify an old  
9 permit that probably is out of date and reflects  
10 some regulations or operating factors that are not  
11 pertinent for what we are considering in the current  
12 re-draft. So from my own personal perspective, from  
13 our basis and the public basis, it's probably more  
14 important the fact sheet indicates what perimeters  
15 are being regulated and what the regulation is based  
16 on, rather than how it relates to a prior permit  
17 some five year or more prior to that day.

18                   There are, of course, situations  
19 where nothing has changed, and it may be a straight  
20 renewal, particularly with perhaps some of the  
21 smaller environmentally less significant sources,  
22 but for more of a major or significant mainstream  
23 source, there is almost always something that is  
24 different from the old permit, and therefore, a

1 brand new permit is in order.

2 MR. HARSCH: A follow-up question to  
3 that, Toby, on behalf of the Illinois Association of  
4 Waste Water Agencies, I take it with respect to  
5 309.113 (a)5, you would not have any problem with  
6 the deletion of the words "and re-issued" from what  
7 has been proposed by the Board?

8 MR. FREVERT: Typically our current  
9 practice is when we draft public notices and fact  
10 sheets for modified permits, we identify what the  
11 modification is. For re-issued permits we try to  
12 draft that fact sheet to reflect the new proposed  
13 permit and a regulatory basis and operating basis to  
14 that, and not in relationship to some out-of-date  
15 permit.

16 So I think the concept is great  
17 for the modification. For the re-issuance, it is  
18 not as appropriate. And it would not be  
19 objectionable to the Agency to strike those words.

20 MR. MESSINA: Toby, moving on to  
21 Subsection (a)6 then also in 113, what would the  
22 Agency include in the fact sheet if the  
23 anti-degradation analysis did not apply to a  
24 particular permit?

1 MR. FREVERT: Typically if it's a  
2 renewal or modification where there is no increased  
3 activity being authorized, the fact sheet would  
4 indicate that anti-degradation review is not  
5 applicable in that case.

6 MR. MESSINA: Then to section 309.120.  
7 My general question is: I was hoping you could  
8 explain for the record how the Agency interprets  
9 that section, and how it would implement that  
10 section? I think specifically to try to get that  
11 discussion going, I guess the first question would  
12 be: Does the Agency have to answer -- let me move  
13 to that section -- would the Agency have to answer  
14 no to all four of those -- actually let me back up.

15 Can you give me some explanation  
16 or example of how the Agency plans on implementing  
17 that section, the analysis it would seek?

18 MR. FREVERT: I believe as this  
19 section is structured, those four sub-paragraphs are  
20 examples of considerations or factors the Agency  
21 would review in determining whether or not in its  
22 judgment, there was value added or benefit or  
23 necessity to extend public comment to be public  
24 content intent to the federal law. So in that

1 regard, the four obvious factors have been  
2 articulated I believe in case law somewhere to give  
3 guidance to the concept, and those are factors we  
4 consider in reaching our decision and judgment  
5 whether or not there is indeed merit, benefit and  
6 value added in extending public comment.

7 Is that a definitive enough answer  
8 for you?

9 MR. MESSINA: It's a good start.

10 With regards to those four  
11 criteria, would the Agency have to answer, no, to  
12 all four of those criteria before determining that  
13 another public hearing would be necessary?

14 MR. FREVERT: I believe the  
15 circumstances that fell within one of those four  
16 categories would be enough to justify our actions if  
17 we decided to extend public comment.

18 MR. MESSINA: I would like to  
19 follow-up on Albert's question with regard to this  
20 section. Would this section allow for the following  
21 situation to occur: On the final day of the comment  
22 period, a participant in the process would submit  
23 public comments, would the applicant then have the  
24 ability -- would the applicant then have the ability

1 to submit a response to that public comment after  
2 the close of the public comment period, and could  
3 the Agency still utilize that information provided  
4 by the applicant?

5 MR. FREVERT: As a matter of practice,  
6 to the extent that an issue has arisen during the  
7 public comment period that the Agency needs to  
8 address, and in order for us to adequately and  
9 accurately address that issue, we need to solicit  
10 additional information from the data source or  
11 secure some kind of information from the permit  
12 applicant itself, we in fact need to do that.

13 From my own personal perspective  
14 the objective when we issue that permit is to get it  
15 right, and if at the close of the comment period  
16 there is a question where we need more information  
17 to make sure we get it right, we will get that  
18 information.

19 There are some circumstances where  
20 the necessity to get that information may be of such  
21 a nature that additional public comment opportunity  
22 is appropriate, and there are circumstances when I  
23 believe that is not the case, and we don't need to  
24 extend public comment period to get the information

1 to address and answer properly the question that had  
2 arisen during the initial public comment period.  
3 And, typically, I believe as a matter of practice,  
4 comments made by the public are directed not only to  
5 the Agency, but also to the permit applicant, and as  
6 the permit applicant and the recipient of that  
7 permit application, I believe they are entitled to  
8 respond to the comments.

9 Quite frankly, if the comment  
10 comes in at 5:00 o'clock on the last day of the  
11 comment period, then obviously their ability to  
12 respond to those comments is going to come over.  
13 Those are not public comments. Those are  
14 supplements to the permit's application in my mind.

15 MR. MESSINA: I have a couple other  
16 questions but I need a couple moments. If anyone  
17 else has --

18 MR. HARSCH: Toby, it's my  
19 understanding under 309.120 as currently drafted,  
20 before the Agency would make a determination to  
21 reopen the public comment period, you first would  
22 have to make a determination that you had  
23 significantly modified the draft permit, the final  
24 permit from the terms of the draft permit; is that

1 correct, before you would look at the next?

2 MR. FREVERT: You have to repeat that,  
3 Roy, I was partially focused.

4 MR. HARSCH: It really is a two-part  
5 test, is it not? The first test is that there has  
6 to be a significant modification in the final permit  
7 from what was originally public noticed, is that  
8 correct?

9 MR. FREVERT: I believe I am reading  
10 the language the way you have explained it, yes.

11 MR. HARSCH: So can you explain for  
12 the record what you would view as examples of  
13 significant modifications or changes that would be  
14 significant?

15 MR. FREVERT: You know, I can identify  
16 some examples, but I'm not sure I could identify the  
17 whole litany of possibilities.

18 MR. HARSCH: I understand that.

19 MR. FREVERT: If there are some  
20 additional activities taking place within that  
21 operation. It has an additional waste source or  
22 additional pollutant load that was not evident or  
23 not represented in the original application in the  
24 original draft permit, that we are now regulating



1 another whole entity, and it's a substantially new  
2 concept from what was required in the original draft  
3 permit and the original round of public comment.

4 MR. HARSCH: A change to an effluent  
5 limitation in the permit would not normally be a  
6 significant change, would it?

7 MR. FREVERT: I would say a change to  
8 an effluent limitation or a monitoring schedule in a  
9 permit is a common and typical reaction to public  
10 comment. We do that quite often, and that in and of  
11 itself is the result of the comment, not the need to  
12 duplicate the comment.

13 MR. MESSINA: I am confused by what is  
14 meant by item four. It seems to me that anytime you  
15 change a permit, you would be attempting to respond  
16 to comments made during a public comment period.

17 Can you provide some guidance on  
18 how the Agency interprets this subsection or whether  
19 it even provides any meaningful criteria by which to  
20 judge whether an additional extended public comment  
21 period is necessary?

22 MR. FREVERT: To a certain extent this  
23 particular language came out of our, for lack of a  
24 better word, I'll use the term negotiating session

1 with all the interested parties in this case, and I  
2 believe some of those parties thought there was a  
3 perception that this added some additional detail in  
4 terms of concepts in the criteria that one would  
5 consider by the Agency in determining whether to  
6 reopen public comment or not.

7                   Personally, I think it may be  
8 redundant, and I'm not sure it adds a lot more  
9 detail in another way it explains some of the prior  
10 paragraphs. I'm not sure I could tell you how that  
11 directs the Agency or gives the Agency criteria that  
12 is fundamentally different than subparagraphs (1),  
13 (2), and (3). To the extent other people think it  
14 may, I'm receptive to hearing that.

15                   MR. MESSINA: Basically you cannot  
16 provide any guidance as to how that's a useful  
17 subsection?

18                   MR. FREVERT: Not at this particular  
19 moment. I don't believe it's in conflict with the  
20 other language.

21                   MR. MESSINA: I have two more  
22 questions. Moving to Section 309.143(a), I was  
23 wondering if you could explain for the record what  
24 criteria the Agency would use to make the

1 determination embodied in that subsection?

2 MR. FREVERT: What criteria? Let me  
3 start with the most common. The most common thing  
4 that comes to mind is the terminology that the EPA  
5 refers is reasonable potential to exceed water  
6 quality standards. And there are a series of  
7 analytical techniques and equations and supporting  
8 information in federal manuals on how to do that  
9 analysis, and what kinds of factors and  
10 considerations and conservative assumptions to place  
11 in those analyses.

12 Typically that reasonable  
13 potential analysis is designed to used for existing  
14 waste water discharge where there is a historic  
15 database, and it's a statistical analysis of the  
16 historically based data.

17 In cases where there is a new  
18 source and there is no historic database, it could  
19 be a number of things. We would certainly review  
20 the information and the permit application itself,  
21 the nature of the operation, the estimates of the  
22 waste generated, amount of water used, the  
23 waste-generated predictions of what kind of  
24 discharge is actually being requested for

1 authorization, and compare those discharge  
2 characteristics to the location they are going to be  
3 discharged, and what water quality standards and  
4 allowances and other water-quality related  
5 activities need to be analyzed.

6 Of course, in addition to that, we  
7 also incorporate discharge limitations based on  
8 federal or state technology efforts. And so this  
9 paragraph pertains to those limitations in a permit  
10 that are driven specifically by water quality.

11 MR. MESSINA: If we could jump back  
12 quickly, I missed one question I wanted to ask  
13 earlier. This is in regard to 108(e). This is a  
14 follow-up to your earlier answer. My question is  
15 simply: In providing the documents supporting the  
16 decision, is a permit engineer going to have to  
17 identify all of the textbooks they have utilized  
18 throughout their decision-making process?

19 I am trying to understand the  
20 limit of what kind of information you are referring  
21 to.

22 MR. FREVERT: I don't envision  
23 requiring my staff to bring in all their college  
24 textbooks and list them in every permit they are

1 asked to draft.

2                   If there is a particular piece of  
3 literature or technical publication that has a very  
4 focused and specific utilization in there, we  
5 definitely want to identify that. To the extent  
6 that it's general engineering and mathematical,  
7 statistical, chemical information, part of their  
8 general expertise and commonly available material,  
9 we don't intend to itemize those documents into the  
10 record.

11                   Every now and then we even use a  
12 dictionary to make sure we spell our words properly.

13                   MS. TIPSORD: Any other questions?

14                   DR. GIRARD: I have a general  
15 question. The concern has been raised that some of  
16 the language in this First Notice might add to the  
17 workload of the Agency, and thereby, under the  
18 current budgetary situation, create a situation  
19 where it may take longer to issue these MPDS  
20 permits. Do you see any of the areas in this First  
21 Notice proposal that may add to the Agency workload  
22 and, therefore, take longer to issue a permit?

23                   MR. FREVERT: Again, other than that  
24 reference to summarizing an expired permit that's

1 part of our summary, that probably would add some  
2 increment of additional workload. In terms of the  
3 other language added, I believe in my mind this  
4 language is indeed consistent with the whole concept  
5 of public participation in both federal law and our  
6 program. It's a little more perhaps current  
7 direction and clarity to what's intended, and it  
8 probably will mean some increment of additional  
9 workload, but I think it's inherent upon us to make  
10 it happen.

11 Quite frankly, this program would  
12 be a lot easier if there was no public participation  
13 program, but there is. Let's try to do it fair and  
14 correct and openly.

15 We have capable people. We could  
16 read and write and we understand science, and we  
17 could write permits, and I believe those permits  
18 would be good. I believe there is some advantage to  
19 public participation.

20 DR. GIRARD: I think you can make that  
21 statement about government in general, but if you  
22 did not have public participation, you could do  
23 things much more quickly. I don't think it means  
24 they would be better. In fact, historically, things

1 get worse, so thank you for the comment.

2 MS. TIPSORD: Anything further?

3 MR. ETTINGER: I have one question.

4 Does it add anything to the Agency's workload when  
5 citizens get confused about what's being proposed by  
6 a permit and request hearings or make comments  
7 because they didn't understand?

8 MR. FREVERT: Do you want to answer  
9 the question?

10 MR. ETTINGER: I can speak as the  
11 confused.

12 MR. FREVERT: I agree with what you  
13 are saying, but I think the more fundamental issue  
14 is how much extra effort is going to actually avoid  
15 how much inherent confusion is out there any way.

16 The best fact sheet we could ever  
17 write, the best public notice we could ever put out,  
18 the best upfront public outreach we do, we are  
19 dealing with the full population of the state and  
20 there are always going to be people that need a  
21 little more explanation that comes with the  
22 territory.

23 MR. HARSCH: One follow-up, one new  
24 question. The very last provision, 309.146(d).

1 It's my understanding -- is this a continuation of  
2 the Agency's present practice in terms of what's  
3 going to be specified as requirements in the permit?

4 MR. FREVERT: Yes, I believe it is.

5 MR. HARSCH: And you currently do not  
6 tell a municipal treatment plant how to calibrate  
7 meters or do calibration tests or do BOD tests or  
8 anything like that?

9 MR. FREVERT: No, I beg to differ to  
10 some extent. Both in our specific requirements and  
11 our standard conditions requiring monitoring, there  
12 is reference to things like standard methods,  
13 improved methods, which indirectly does specify  
14 that.

15 MR. HARSCH: But you don't specify in  
16 the permit what the method is?

17 MR. FREVERT: Again, Roy, as a general  
18 rule you are correct with individual permits and  
19 specialty perimeters where there may not be readily  
20 available standard methods and a specific method has  
21 to be developed, we have the flexibility and  
22 authority and indeed the practice of addressing  
23 those issues on an as needed basis.

24 And some permits have a lot more



1 specificity about monitoring requirements than  
2 others. Some permits even require the approval of a  
3 quality assurance monitoring plant before the  
4 monitoring is initiated. So I think our common  
5 practice is to utilize these requirements to create  
6 an extent necessitated by the complexities and the  
7 nature of the individual practice. A routine pH  
8 measurement, we don't go into as much detail.

9 MR. HARSCH: Nothing further.

10 MR. TRISTANO: I have a general  
11 question. My question is: Who proposed this rule?

12 MR. ETTINGER: We proposed the rule  
13 and after -- I forget whether it was the first or  
14 second hearing in April, it became clear that there  
15 were some things that we were going to have a hard  
16 time agreeing on. Some people had concerns about my  
17 language. I find that hard to believe, but it  
18 happened. So there was a meeting and we were able  
19 to work with the language and come up with some  
20 things, which people were more comfortable with or  
21 some people were more comfortable with, particularly  
22 between us and the Agency.

23 In that meeting, representatives  
24 of the regulated community did participate. They

1 made helpful suggestions. They did -- many of their  
2 suggestions were accepted. They did not however  
3 commit that they would support the rule based on our  
4 accepting their suggestions, so they are here to  
5 come in after that meeting. However, as a result of  
6 that meeting much of the language was agreed to at  
7 least between the Petitioner's and the Agency, and I  
8 think also to some extent the regulated community  
9 has accepted some of the rules as proposed as a  
10 result of those discussions.

11 MR. TRISTANO: The question was made  
12 on section 309.120 about (a)4, and I think the  
13 Agency suggested that that was compromised language  
14 submitted by one of the participates in the  
15 negotiation, and I got from the Agency's answer it  
16 was not the Agency.

17 I am just curious whose language  
18 that was?

19 MR. FREVERT: Let me try to clarify.  
20 Sierra Club petitioned the Board to initiate the  
21 rule. We as a state agency are more or less  
22 involved in all rulemakings, and at the close of  
23 those initial records when we were looking for First  
24 Notice position, we volunteered to try to address

1 the rulemaking and come up with language that we  
2 thought would accommodate most of the issues the  
3 Board had to deal with in a fashion that represented  
4 a language that we could live with, and also a  
5 language that we thought addressed and minimized a  
6 number of disagreements or conflicts with the other  
7 parties. And in that regard, we submitted this and  
8 indeed it is our specific recommendations to the  
9 Board and some of the words were offered by the  
10 parties.

11 MR. TRISTANO: Which party?

12 MR. ETTINGER: Frankly, I can't  
13 remember who suggested all the wording. I remember  
14 as to 120, I had something else that was proposed.  
15 Much of my language was taken from the federal  
16 procedures. People weren't happy with that.

17 I believe Mr. Sofat came in with a  
18 proposal that looked at 120; however, I believe  
19 there was further discussions around the table that  
20 changed 120, and I know line for line what now  
21 exists in 120, I can't remember who came up with  
22 which words.

23 MR. FREVERT: Towards the end of the  
24 discussion Fred Andy recognized that he thought he

1 could take the lead on crafting the words to depict  
2 the concept we were discussing, and I believe these  
3 exact words came from Fred.

4 MR. TRISTANO: But I want to make  
5 sure, one last question, and I think you guys have  
6 been very helpful. I want to follow-up. This  
7 section is a two-part test, is it not? Because as I  
8 understand it, you have to fulfill what is in (A)  
9 and one or more of what's 1, 2, 3 and 4; is that  
10 interpretation correct?

11 MR. ETTINGER: Is that addressed to  
12 me?

13 MR. TRISTANO: I am seeking  
14 information.

15 MR. ETTINGER: In general, I would  
16 focus on shall. It says they shall if they  
17 significantly modify a draft permit and weighing  
18 these factors, they feel that further written  
19 comment is necessary. So that's the way it's  
20 drafted as to shall, and so I agree with you, it's a  
21 two-part test. If they don't modify the permit at  
22 all, then we never consider those factors.

23 MR. FREVERT: I would give you a  
24 different answer. I don't believe it's a two-part

1 test. The Agency makes the determination with good  
2 cause and reason to extend comment, and in making  
3 that determination these are some of the factors and  
4 the thought process.

5 MR. TRISTANO: Let me make sure. The  
6 reason I said it's a two-part test is the first  
7 test, as I understand this, is that there was a  
8 major modification, significant modification. Now  
9 if that's the case, then you look to 1, 2, 3 and 4.

10 If there is no modification, the  
11 way I understand the language, I want to make sure,  
12 you don't look to 1, 2, 3, and 4.

13 MR. FREVERT: In that context, I agree  
14 with you.

15 MR. SOFAT: The test has to be  
16 significant modification, and it is not a logical  
17 outgrowth of the draft order. And how do we  
18 determine that? That's where 1, 2, 3 and 4 comes  
19 in.

20 MR. TRISTANO: I am done. Thank you.

21 MR. ETTINGER: I have one question  
22 actually of Ms. Hodge if she wants to answer it,  
23 which is that I asked Toby whether or not he  
24 believed the Agency had authority to reopen the

1 hearing -- this is not shall, but may reopen the  
2 comment period after the hearing if it believes it's  
3 necessary. My question to IERG is: Do you agree  
4 that the Agency has that authority?

5 MS. HODGE: We have heard the Agency's  
6 testimony. We would probably reserve on this until  
7 the written comments because I personally can't  
8 answer that. I don't know whether they have the  
9 authority. We will address that in our comment.

10 MR. ETTINGER: I commend her for being  
11 a much more careful and thoughtful lawyer than I am.

12 MR. HARSCH: Sanjay, you invited some  
13 clarification on 120, can you provide any further  
14 illumination of how subsection 4 is useful.

15 MS. TIPSORD: Before you answer that,  
16 we need to have you sworn in.

17 (Witness duly sworn.)

18 MR. SOFAT: Now I forgot the question.  
19 One thing I would like to stress here is that this  
20 section is not going to be used very often. It's  
21 only going to be in situations where -- and I don't  
22 think I could provide a technical example -- but  
23 only where we have situations like Toby tried to  
24 explain, which requires additional public

1 participation because the public participation on a  
2 particular issue was either totally missing or not  
3 adequate at all at the beginning or at the draft  
4 permit stage. So that is how we envision -- that's  
5 how we envision this section to play the role. It's  
6 not going to be a frequent use of the section.

7 MR. HARSCH: The whole section is not  
8 going to be used very often. Can you provide any  
9 further illumination of what subsection 4 might  
10 mean?

11 Again, it seems any change you  
12 make would be responsive to public comments and,  
13 therefore, you would always be able to satisfy that  
14 condition, or maybe I'm not reading it right.

15 MR. SOFAT: I am going to qualify my  
16 answer by saying it's not in my legal memorandum  
17 right now. But the way I read this condition is  
18 that it's very similar to number 1. If a condition  
19 or a modification efforts because of the comments  
20 provided by a party, then it is not going to  
21 trigger.

22 Like Toby was saying, we are going  
23 to get comments and we are going to make changes to  
24 the permit. That should not trigger 309.120. And I

1 guess 4 is confusing because 1, 2, 3 says the  
2 parties could not have reasonably anticipated the  
3 final permit and if the answer is yes, then you use  
4 it. On the other hand, number 4 says the changes  
5 made in the final permit represent an attempt by the  
6 Agency, if the answer is yes, then you don't use  
7 120.

8 MR. HARSCH: You have covered it. No,  
9 no, no and yes.

10 MR. ETTINGER: Or it's a factor to be  
11 considered.

12 MS. TIPSORD: Anything further?

13 MR. ETTINGER: I would like to say  
14 it's the -- if someone really wants to cut that,  
15 that was, as I said, the result of this discussion  
16 and we didn't challenge it because it was part of  
17 the discussion, and we thought someone else at the  
18 table wanted this. Frankly, I'm not sure which way  
19 that 4 will cut in some cases. And I would say  
20 again these are factors to consider which is what  
21 the rule says. It doesn't -- you have a whole lot  
22 of 1 and a little bit of 2, those would be factors  
23 to consider and it doesn't give an automatic  
24 trigger.



1 MS. TIPSORD: Anything further? Go  
2 off the record for a moment.

3 (Off the record  
4 discussion.)

5 MS. TIPSORD: Back on the record.  
6 After a discussion held off the record, the comment  
7 period will close 45 days after the receipt of the  
8 transcript from this hearing. I'll follow with a  
9 written hearing officer order to all participants  
10 notifying them of the closing comment period. At  
11 that time, the Board will take into consideration  
12 all your testimony and the comments and proceed.

13 I want to thank you all. This has  
14 been a very helpful hearing and I appreciate it.

15 DR. GIRARD: Let me also thank  
16 everyone for their time and effort. The fact that  
17 we have narrowed the areas of disagreement down to  
18 such a short list now compared to what they were at  
19 the beginning of this rulemaking, is a real  
20 testimony to the amount of time and effort that  
21 everyone has put into it. And the Board is very  
22 grateful that you have reduced our workload in this,  
23 and it's because you have done so much work and we  
24 do appreciate it. Thank you.

1 MS. TIPSORD: If there is nothing  
2 further, we are adjourned. Thank you all.  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

1 STATE OF ILLINOIS )

) SS.

2 COUNTY OF C O O K )

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

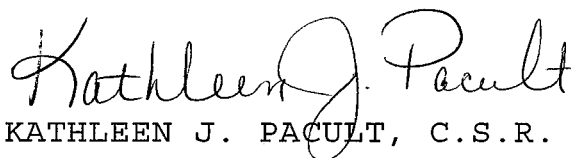
21

22

23

24

KATHLEEN J. PACULT, being first duly sworn, on oath, says that she is the court reporter who reported in shorthand the proceedings had of the said cause, and that the foregoing is a true and correct transcript of her shorthand notes so taken as aforesaid.

  
KATHLEEN J. PACULT, C.S.R.

C.S.R. License # 084-004180

A			a.m 1:14	41:11,21
<p><b>ability</b> 21:24,24 23:11 <b>able</b> 4:7 8:20 33:18 39:13 <b>about</b> 14:3 16:6,8 30:21 31:5 33:1 33:16 34:12 <b>above</b> 11:18 <b>above-entitled</b> 1:11 <b>above-referenced</b> 3:9 <b>accepted</b> 9:11 34:2 34:9 <b>accepting</b> 34:4 <b>accommodate</b> 35:2 <b>accordance</b> 3:6 <b>account</b> 11:22 <b>accurate</b> 18:6 <b>accurately</b> 22:9 <b>acknowledge</b> 4:3 <b>acknowledged</b> 4:4 <b>Act</b> 2:16,16,17 3:7 <b>action</b> 10:14 <b>actions</b> 21:16 <b>activities</b> 5:24 24:20 28:5 <b>activity</b> 20:3 <b>actual</b> 16:22 <b>actually</b> 20:14 27:24 31:14 37:22 <b>add</b> 10:20 13:22,23 29:16,21 30:1 31:4 <b>added</b> 20:22 21:6 26:3 30:3 <b>addition</b> 28:6 <b>additional</b> 7:8 8:4 8:18 10:16 11:9 13:22 22:10,21 24:20,21,22 25:20 26:3 30:2,8 38:24 <b>address</b> 16:15 22:8 22:9 23:1 34:24 38:9 <b>addressed</b> 12:17 35:5 36:11 <b>addressing</b> 32:22 <b>adds</b> 26:8 <b>adequate</b> 39:3 <b>adequately</b> 22:8 <b>adjourned</b> 42:2 <b>Adm</b> 2:5 <b>administer</b> 6:1 <b>adopted</b> 7:10 <b>adoption</b> 2:22 <b>advance</b> 6:3 <b>advantage</b> 30:18 <b>Affairs</b> 2:19 <b>affiliate</b> 6:7 <b>aforesaid</b> 43:9</p>	<p><b>after</b> 2:23 4:3 12:16 13:23 17:9 22:1 33:13 34:5 38:2 41:6,7 <b>again</b> 12:17,21 29:23 32:17 39:11 40:20 <b>agencies</b> 6:1,4 19:4 <b>agency</b> 6:5 8:4,11 9:5,7,10 10:4,12 10:12,15,19 11:21 14:2,5,6,7,9,13,23 14:23,24 15:3,13 15:15,20,22 16:4 16:15 17:9,11,17 19:19,22 20:8,12 20:13,16,20 21:11 22:3,7 23:5,20 25:18 26:5,11,11 26:24 29:17,21 33:22 34:7,13,16 34:21 37:1,24 38:4 40:6 <b>Agency's</b> 8:3 16:2 17:8 31:4 32:2 34:15 38:5 <b>ago</b> 17:21 <b>agree</b> 31:12 36:20 37:13 38:3 <b>agreed</b> 9:21 34:6 <b>agreeing</b> 33:16 <b>agreements</b> 4:21 <b>agrees</b> 7:18 <b>agriculture</b> 5:23 <b>Albert</b> 3:21 13:4 <b>Albert's</b> 21:19 <b>Alec</b> 5:9 <b>allocate</b> 10:16 <b>allow</b> 3:15 15:13 21:20 <b>allowances</b> 28:4 <b>allowing</b> 9:1 <b>almost</b> 18:23 <b>already</b> 7:20 8:16 10:17,22 <b>always</b> 14:20 18:23 31:20 39:13 <b>Amendments</b> 1:5 2:4 6:12 <b>amount</b> 27:22 41:20 <b>analyses</b> 27:11 <b>analysis</b> 16:22,23 19:23 20:17 27:9 27:13,15 <b>analytical</b> 27:7 <b>analyzed</b> 28:5 <b>Andy</b> 35:24 <b>another</b> 13:23 14:20 21:13 25:1 26:9</p>	<p><b>answer</b> 20:12,13 21:7,11 23:1 28:14 31:8 34:15 36:24 37:22 38:8 38:15 39:16 40:3 40:6 <b>anticipated</b> 40:2 <b>anti-degradation</b> 19:23 <b>anti-degragation</b> 20:4 <b>anyone</b> 3:16,23 4:1 23:16 <b>anyone's</b> 13:9 <b>anything</b> 31:2,4 32:8 40:12 41:1 <b>anytime</b> 25:14 <b>applicable</b> 20:5 <b>applicant</b> 21:23,24 22:4,12 23:5,6 <b>application</b> 18:4 23:7,14 24:23 27:20 <b>apply</b> 19:23 <b>appointed</b> 2:2 <b>appreciate</b> 41:14,24 <b>appreciates</b> 9:17 <b>appropriate</b> 12:6 15:4 19:18 22:22 <b>approval</b> 33:2 <b>April</b> 3:8,10 33:14 <b>areas</b> 4:21,24 7:5 29:20 41:17 <b>arguments</b> 13:7 <b>arisen</b> 22:6 23:2 <b>around</b> 35:19 <b>articulated</b> 21:2 <b>asked</b> 4:10 29:1 37:23 <b>asking</b> 15:7 <b>aspects</b> 17:20 <b>assigned</b> 2:8,10 <b>assist</b> 15:3 <b>Association</b> 19:3 <b>assumes</b> 17:19 <b>assumptions</b> 27:10 <b>assurance</b> 33:3 <b>attempt</b> 40:5 <b>attempting</b> 25:15 <b>authority</b> 15:8,15 32:22 37:24 38:4 38:9 <b>authorization</b> 28:1 <b>authorized</b> 20:3 <b>automatic</b> 40:23 <b>available</b> 3:3,13 17:5 29:8 32:20 <b>avoid</b> 31:14 <b>a)4</b> 34:12 <b>a)5</b> 17:8 19:5 <b>a)6</b> 19:21</p>	<p><b>b 11:9</b> <b>back</b> 18:8 20:14 28:11 41:5 <b>based</b> 8:16 18:3,7 18:15 27:16 28:7 34:3 <b>Basically</b> 26:15 <b>basis</b> 18:13,13 19:13,13 32:23 <b>Beauty</b> 14:24 <b>became</b> 6:15 33:14 <b>become</b> 13:17 <b>before</b> 1:1,11 3:4 4:5 6:4,6 8:6,20 13:11 16:14 21:12 23:20 24:1 33:3 38:15 <b>beg</b> 32:9 <b>began</b> 6:17 <b>begin</b> 4:5 5:6 <b>beginning</b> 39:3 41:19 <b>behalf</b> 4:15 5:18 19:3 <b>being</b> 8:20 18:15 20:3 27:24 31:5 38:10 43:4 <b>believe</b> 7:5 13:7 14:23 15:7,18 16:11 20:18 21:2 21:14 22:23 23:3 23:7 24:9 26:2,19 30:3,17,18 32:4 33:17 35:17,18 36:2,24 <b>believed</b> 37:24 <b>believes</b> 11:8 12:17 15:2 38:2 <b>beneficial</b> 18:6 <b>benefit</b> 10:18 17:23 20:22 21:5 <b>best</b> 16:16 31:16,17 31:18 <b>better</b> 5:1 25:24 30:24 <b>between</b> 10:5 33:22 34:7 <b>bias</b> 4:13 <b>bit</b> 40:22 <b>Black</b> 14:24 <b>Board</b> 1:1 2:2,8,9 2:17 3:1,7,12 4:10 4:15 5:19 6:6,22 7:1,10 8:11,13 9:12,13,15,23 10:2 12:12,18,21 13:10,14 19:7 34:20 35:3,9</p>	<p><b>Board's</b> 4:11 7:2,13 7:15,21,24 8:16 9:17 16:9 <b>BOD</b> 32:7 <b>bodies</b> 6:6 <b>boils</b> 16:19 <b>both</b> 10:11 30:5 32:10 <b>brand</b> 19:1 <b>brief</b> 5:12 <b>briefly</b> 16:1 <b>bring</b> 28:23 <b>broken</b> 13:14 <b>budgetary</b> 29:18 <b>build</b> 4:11 <b>burdensome</b> 10:12</p> <hr/> <p><b>C</b> <b>c</b> 16:14 43:2 <b>calibrate</b> 32:6 <b>calibration</b> 32:7 <b>came</b> 25:23 35:17 35:21 36:3 <b>capable</b> 30:15 <b>careful</b> 38:11 <b>case</b> 17:13 20:5 21:2 22:23 26:1 37:9 <b>cases</b> 27:17 40:19 <b>categories</b> 21:16 <b>cause</b> 1:11 11:16 37:2 43:7 <b>causes</b> 11:15 <b>certain</b> 2:21 9:1 25:22 <b>certainly</b> 17:6 27:19 <b>Certified</b> 1:12 <b>CFR</b> 11:2,4,12 13:24 <b>challenge</b> 40:16 <b>Chamber</b> 6:7 <b>change</b> 16:11 17:14 18:5 25:4,6,7,15 39:11 <b>changed</b> 17:23 18:19 35:20 <b>changes</b> 8:9,12,15 10:5 18:1 24:13 39:23 40:4 <b>characteristics</b> 28:2 <b>chemical</b> 29:7 <b>Chicago</b> 1:15 <b>chooses</b> 2:22 <b>chose</b> 8:12 <b>circulate</b> 6:17 <b>circumstances</b> 9:2 15:12,14 18:8 21:15 22:19,22 <b>citizens</b> 31:5</p>

<p><b>clarification</b> 38:13  <b>clarify</b> 14:22 34:19  <b>clarifying</b> 9:17  <b>clarity</b> 30:7  <b>clear</b> 33:14  <b>close</b> 22:2,15 34:22  41:7  <b>closes</b> 12:20  <b>closing</b> 41:10  <b>Club</b> 34:20  <b>Code</b> 1:6 2:5 6:13  11:2  <b>codification</b> 8:2  <b>codifies</b> 7:19  <b>college</b> 28:23  <b>come</b> 4:18,20 13:16  14:14 23:12 33:19  34:5 35:1  <b>comes</b> 23:10 27:4  31:21 37:18  <b>comfortable</b> 33:20  33:21  <b>commend</b> 38:10  <b>comment</b> 8:20 9:1  15:1,1,8,13,16  20:23 21:6,17,21  22:1,2,7,15,21,24  23:2,9,11,21 25:3  25:10,11,12,16,20  26:6 31:1 36:19  37:2 38:2,9 41:6  41:10  <b>comments</b> 5:3 6:22  7:15 9:2,6,15,19  10:7 15:2 17:9  21:23 23:4,8,12  23:13 25:16 31:6  38:7 39:12,19,23  41:12  <b>commerce</b> 2:18,19  5:23 6:8  <b>commit</b> 34:3  <b>common</b> 25:9 27:3  27:3 33:4  <b>commonly</b> 29:8  <b>community</b> 2:18  6:20 33:24 34:8  <b>companies</b> 5:18,22  <b>compare</b> 28:1  <b>compared</b> 41:18  <b>complete</b> 4:11  <b>completed</b> 10:17  <b>complexities</b> 33:6  <b>comprised</b> 5:22  <b>compromise</b> 9:5  <b>compromised</b> 34:13  <b>concept</b> 19:16 21:3  25:2 30:4 36:2  <b>concepts</b> 26:4  <b>Conceptually</b> 7:23  <b>concern</b> 8:10,24</p>	<p>29:15  <b>concerns</b> 9:3 12:17  33:16  <b>concur</b> 7:15  <b>concur</b> 7:2,21,24  8:14 9:15 10:2,7  <b>condition</b> 39:14,17  39:18  <b>conditions</b> 32:11  <b>conduct</b> 2:20,23 3:8  <b>conducting</b> 3:2  <b>conflict</b> 26:19  <b>conflicts</b> 35:6  <b>confused</b> 25:13  31:5,11  <b>confusing</b> 40:1  <b>confusion</b> 31:15  <b>conservative</b> 27:10  <b>consider</b> 21:4 26:5  36:22 40:20,23  <b>consideration</b> 41:11  <b>considerations</b>  20:20 27:10  <b>considered</b> 17:10  40:11  <b>considering</b> 18:11  <b>consistent</b> 30:4  <b>content</b> 20:24  <b>context</b> 37:13  <b>continuation</b> 32:1  <b>contributes</b> 11:17  <b>Control</b> 1:1 5:19  <b>controls</b> 11:23  <b>Cook</b> 1:13  <b>copy</b> 3:12  <b>corporation</b> 5:22  <b>correct</b> 16:7 24:1,8  30:14 32:18 36:10  43:8  <b>cost</b> 10:19  <b>costly</b> 10:11  <b>counsel</b> 5:9  <b>County</b> 1:13 43:2  <b>couple</b> 23:15,16  <b>course</b> 18:18 28:6  <b>court</b> 4:7 43:5  <b>covered</b> 8:15 40:8  <b>crafting</b> 36:1  <b>create</b> 29:18 33:5  <b>creating</b> 12:12  <b>criteria</b> 11:19 21:11  21:12 25:19 26:4  26:11,24 27:2  <b>CSR</b> 1:24  <b>curious</b> 34:17  <b>current</b> 8:3 16:3  18:7,11 19:8  29:18 30:6  <b>currently</b> 23:19  32:5  <b>cut</b> 40:14,19</p>	<p><b>C.S.R</b> 43:12,13</p> <hr/> <p style="text-align: center;"><b>D</b></p> <hr/> <p><b>data</b> 22:10 27:16  <b>database</b> 27:15,18  <b>date</b> 18:9  <b>dated</b> 3:7  <b>dates</b> 9:18  <b>day</b> 1:14 8:19 18:17  21:21 23:10  <b>days</b> 2:23 3:3 41:7  <b>DCEO</b> 2:20,22,23  3:8,10,10  <b>DCEO's</b> 3:2  <b>deal</b> 10:23 35:3  <b>dealing</b> 31:19  <b>decided</b> 21:17  <b>decision</b> 4:12 7:15  7:22 10:2 14:24  15:4 21:4 28:16  <b>decisions</b> 16:17  <b>decision-making</b>  28:18  <b>definitely</b> 29:5  <b>definitive</b> 21:7  <b>delay</b> 10:22  <b>deletion</b> 19:6  <b>Department</b> 2:18  2:19  <b>depict</b> 36:1  <b>designed</b> 27:13  <b>detail</b> 26:3,9 33:8  <b>determination</b>  23:20,22 27:1  37:1,3  <b>determine</b> 37:18  <b>determining</b> 11:14  20:21 21:12 26:5  <b>developed</b> 9:21  32:21  <b>dictionary</b> 29:12  <b>differ</b> 32:9  <b>different</b> 18:24  26:12 36:24  <b>diligent</b> 10:17  <b>dilution</b> 12:7  <b>directed</b> 23:4  <b>direction</b> 30:7  <b>director</b> 5:12,16  <b>directs</b> 26:11  <b>disagreement</b> 4:24  41:17  <b>disagreements</b> 35:6  <b>discharge</b> 11:15  27:14,24 28:1,7  <b>discharged</b> 28:3  <b>discussing</b> 36:2  <b>discussion</b> 12:15  20:11 35:24 40:15  40:17 41:4,6  <b>discussions</b> 34:10</p>	<p>35:19  <b>Docket</b> 2:6  <b>documented</b> 17:1  <b>documents</b> 8:14  16:4 17:5 28:15  29:9  <b>done</b> 37:20 41:23  <b>down</b> 16:19 41:17  <b>Dr</b> 2:7 4:14,15  29:14 30:20 41:15  <b>draft</b> 16:6 18:7 19:9  19:12 23:23,24  24:24 25:2 29:1  36:17 37:17 39:3  <b>drafted</b> 23:19 36:20  <b>drafting</b> 16:21  <b>drafts</b> 6:17  <b>driven</b> 28:10  <b>duly</b> 5:14 13:5 15:5  38:17 43:4  <b>duplicate</b> 25:12  <b>during</b> 22:6 23:2  25:16</p> <hr/> <p style="text-align: center;"><b>E</b></p> <hr/> <p><b>each</b> 4:7  <b>earlier</b> 7:14 9:2  13:8 28:13,14  <b>easier</b> 30:12  <b>EcIS</b> 2:21,23 3:2,11  <b>economic</b> 2:20,20  2:24 3:4,8  <b>effective</b> 9:18  <b>effluent</b> 12:3,5,7  25:4,8  <b>effort</b> 10:21 31:14  41:16,20  <b>efforts</b> 28:8 39:19  <b>either</b> 39:2  <b>element</b> 11:3  <b>embodied</b> 27:1  <b>emergency</b> 13:17  <b>end</b> 9:19 35:23  <b>enforce</b> 6:2  <b>engaged</b> 5:23  <b>engineer</b> 17:4 28:16  <b>engineering</b> 16:19  29:6  <b>engineer's</b> 16:23  <b>enlightenment</b>  14:13  <b>enough</b> 21:7,16  <b>entitled</b> 2:4 6:12  23:7  <b>entity</b> 25:1  <b>environment</b> 10:14  10:19  <b>environmental</b> 2:15  3:20 5:10,17 6:2,5  <b>environmentally</b>  18:21</p>	<p><b>envision</b> 28:22 39:4  39:5  <b>EPA</b> 3:23 6:19 7:7  7:20 10:8 27:4  <b>equal</b> 10:19  <b>equations</b> 27:7  <b>estimates</b> 27:21  <b>Ettinger</b> 3:21 13:4  13:6 14:11 15:11  15:19 31:3,10  33:12 35:12 36:11  36:15 37:21 38:10  40:10,13  <b>evaluating</b> 12:5  <b>evaluation</b> 16:20  <b>even</b> 4:17 15:9  25:19 29:11 33:2  <b>ever</b> 31:16,17  <b>every</b> 28:24 29:11  <b>everyone</b> 4:16  41:16,21  <b>evident</b> 24:22  <b>exact</b> 36:3  <b>example</b> 20:16  38:22  <b>examples</b> 20:20  24:12,16  <b>exceed</b> 27:5  <b>excursion</b> 11:10,18  <b>executive</b> 5:11,16  <b>existing</b> 8:17 10:13  11:22 27:13  <b>exists</b> 35:21  <b>expansions</b> 18:2  <b>expecting</b> 14:8  <b>expense</b> 10:20  <b>expertise</b> 29:8  <b>expired</b> 29:24  <b>explain</b> 16:1 20:8  24:11 26:23 38:24  <b>explained</b> 24:10  <b>explains</b> 11:10 26:9  <b>explanation</b> 3:2  20:15 31:21  <b>exploring</b> 9:4  <b>express</b> 4:12  <b>expressed</b> 7:13  <b>extend</b> 15:8 20:23  21:17 22:24 37:2  <b>extended</b> 25:20  <b>extending</b> 21:6  <b>extent</b> 16:18 17:17  17:18 22:6 25:22  26:13 29:5 32:10  33:6 34:8  <b>extra</b> 31:14</p> <hr/> <p style="text-align: center;"><b>F</b></p> <hr/> <p><b>facilities</b> 18:2  <b>facility</b> 17:20  <b>fact</b> 18:14 19:9,12</p>
---	--	---	--	--

19:22 20:3 22:12 30:24 31:16 41:16 <b>factor</b> 40:10 <b>factors</b> 16:24 18:10 20:20 21:1,3 27:9 36:18,22 37:3 40:20,22 <b>fair</b> 30:13 <b>fall</b> 6:16 <b>fashion</b> 35:3 <b>federal</b> 11:2,7,9 12:10 17:24 20:24 27:8 28:8 30:5 35:15 <b>feel</b> 36:18 <b>feels</b> 15:15,17 <b>fell</b> 21:15 <b>few</b> 13:15 <b>filed</b> 9:20 10:7 17:9 <b>final</b> 21:21 23:23 24:6 40:3,5 <b>find</b> 33:17 <b>fine-tuning</b> 7:8 <b>first</b> 2:14 6:15,24 7:9,16 12:19 16:6 16:9 20:11 23:21 24:5 29:16,20 33:13 34:23 37:6 43:4 <b>five</b> 17:21 18:17 <b>fixed</b> 13:15,16 <b>flexibility</b> 32:21 <b>focus</b> 18:6 36:16 <b>focused</b> 24:3 29:4 <b>follow</b> 3:21 41:8 <b>following</b> 6:10 9:21 11:7 15:16 16:13 21:20 <b>follows</b> 7:11 <b>follow-up</b> 19:2 21:19 28:14 31:23 36:6 <b>forced</b> 10:15 <b>foregoing</b> 43:7 <b>forget</b> 33:13 <b>forgot</b> 38:18 <b>form</b> 14:14 <b>forth</b> 7:14 <b>forward</b> 4:22 5:2 9:6 12:23 <b>found</b> 9:8 11:6,12 12:9 <b>four</b> 20:14,19 21:1 21:10,12,15 25:14 <b>frankly</b> 23:9 30:11 35:12 40:18 <b>Fred</b> 35:24 36:3 <b>frequent</b> 39:6 <b>Frevert</b> 3:23 14:10 15:6,18 16:5,10 16:18 17:6,16	19:8 20:1,18 21:14 22:5 24:2,9 24:15,19 25:7,22 26:18 27:2 28:22 29:23 31:8,12 32:4,9,17 34:19 35:23 36:23 37:13 <b>from</b> 3:22,23 11:4 13:24 14:9,13 17:16 18:5,12,12 18:24 19:6 22:10 22:11,13 23:24 24:7 25:2 34:15 35:15 36:3 41:8 <b>front</b> 3:13 <b>fulfill</b> 36:8 <b>full</b> 8:6 31:19 <b>function</b> 10:16 <b>fundamental</b> 18:4 31:13 <b>fundamentally</b> 26:12 <b>further</b> 4:23 7:4,6 9:1,4 11:10 13:24 14:6,15 15:2,2,19 31:2 33:9 35:19 36:18 38:13 39:9 40:12 41:1 42:2 <hr/> <b>G</b> <b>g</b> 7:12,17 <b>general</b> 5:9 20:7 29:6,8,14 30:21 32:17 33:10 36:15 <b>generally</b> 13:12 <b>generated</b> 27:22 <b>GERARD</b> 4:15 <b>Girard</b> 2:7 4:14 29:14 30:20 41:15 <b>give</b> 20:15 21:2 36:23 40:23 <b>given</b> 14:23 <b>gives</b> 26:11 <b>glad</b> 14:8 <b>go</b> 13:3 16:24 18:8 33:8 41:1 <b>going</b> 13:10 14:5,9 14:12,13,14 20:11 23:12 28:2,16 31:14,20 32:3 33:15 38:20,21 39:6,8,15,20,22 39:23 <b>good</b> 2:1 5:8,15 21:9 30:18 37:1 <b>government</b> 30:21 <b>governmental</b> 6:1,4 <b>grateful</b> 41:22 <b>great</b> 6:24 10:23 19:16 <b>Group</b> 3:20 5:10,17	<b>guess</b> 14:11 16:18 17:18 20:11 40:1 <b>guidance</b> 21:3 25:17 26:16 <b>guys</b> 36:5 <hr/> <b>H</b> <b>hand</b> 4:2 40:4 <b>handling</b> 10:3 <b>happen</b> 30:10 <b>happened</b> 33:18 <b>happy</b> 35:16 <b>hard</b> 33:15,17 <b>HARSCH</b> 19:2 23:18 24:4,11,18 25:4 31:23 32:5 32:15 33:9 38:12 39:7 40:8 <b>hashed</b> 14:18 <b>hear</b> 3:15,18 14:9 <b>heard</b> 13:18 38:5 <b>hearing</b> 2:3,12,14 3:4,14 4:16,23 9:6 12:16 15:10,17 17:9 21:13 26:14 33:14 38:1,2 41:8 41:9,14 <b>hearings</b> 6:21 9:22 31:6 <b>held</b> 2:13 6:22 41:6 <b>help</b> 4:11 <b>helpful</b> 34:1 36:6 41:14 <b>her</b> 38:10 43:8 <b>him</b> 3:24 <b>historic</b> 27:14,18 <b>historically</b> 27:16 30:24 <b>Hodge</b> 3:20 5:11,16 13:2 37:22 38:5 <b>Hodge's</b> 13:18 14:4 <b>holding</b> 7:3 <b>hope</b> 8:19 16:10 <b>hopefully</b> 13:16 <b>hoping</b> 20:7 <b>hour</b> 1:14 <hr/> <b>I</b> <b>identify</b> 19:10 24:15,16 28:17 29:5 <b>identifying</b> 16:3 <b>IERG</b> 5:12,17,18 5:21 6:2,7,10,15 6:20 7:2,10,18,24 8:14,18 9:2,6,15 9:17,20 10:1,7 11:8 12:17 13:22 38:3 <b>IERG's</b> 7:14 <b>ILCS</b> 2:16	<b>Ill</b> 2:5 <b>Illinois</b> 1:1,13,15 3:19 5:10,17,19 5:21 6:5,7,19 7:7 7:20 10:8 11:8 19:3 43:1 <b>illumination</b> 7:6 38:14 39:9 <b>Ill.Adm</b> 1:6 6:13 <b>immediately</b> 11:6 <b>impact</b> 2:21,24 3:4 3:9 8:7 <b>implement</b> 20:9 <b>implemented</b> 9:9 <b>implementing</b> 7:21 20:16 <b>important</b> 13:17 18:14 <b>improved</b> 32:13 <b>include</b> 8:12 10:5 11:6,9 19:22 <b>included</b> 9:5,14 11:2 12:18 17:4 <b>including</b> 6:18 12:9 <b>inclusion</b> 9:17 <b>incorporate</b> 28:7 <b>incorporating</b> 16:4 <b>increased</b> 20:2 <b>increment</b> 30:2,8 <b>indeed</b> 18:5 21:5 30:4 32:22 35:8 <b>indicate</b> 20:4 <b>indicates</b> 18:14 <b>indirectly</b> 32:13 <b>individual</b> 32:18 33:7 <b>industry</b> 5:23 <b>influence</b> 16:2 <b>information</b> 8:19 16:20 22:3,10,11 22:16,18,20,24 27:8,20 28:20 29:7 36:14 <b>inherent</b> 30:9 31:15 <b>initial</b> 23:2 34:23 <b>initiate</b> 34:20 <b>initiated</b> 17:22 33:4 <b>instance</b> 10:18 <b>intend</b> 29:9 <b>intended</b> 4:10 30:7 <b>intent</b> 20:24 <b>interest</b> 6:24 <b>interested</b> 6:18 9:4 10:17 17:18 26:1 <b>interests</b> 6:3 <b>interpretation</b> 16:20 36:10 <b>interprets</b> 20:8 25:18 <b>introduced</b> 4:20 <b>invited</b> 38:12	<b>involved</b> 6:15 34:22 <b>in-stream</b> 11:17 <b>issue</b> 8:10,24 22:6,9 22:14 29:19,22 31:13 39:2 <b>issued</b> 7:1 <b>issues</b> 32:23 35:2 <b>item</b> 25:14 <b>itemize</b> 29:9 <hr/> <b>J</b> <b>J</b> 1:11,24 2:9 43:4 43:12 <b>judge</b> 25:20 <b>judgment</b> 16:16,23 20:22 21:4 <b>judicial</b> 6:6 <b>jump</b> 28:11 <b>just</b> 13:18 14:18 15:14 34:17 <b>justification</b> 7:4 <b>justify</b> 21:16 <hr/> <b>K</b> <b>K</b> 43:2 <b>Katherine</b> 3:20 5:16 <b>Kathleen</b> 1:11,24 43:4,12 <b>Kathy</b> 5:11 <b>kind</b> 22:11 27:23 28:20 <b>kinds</b> 27:9 <b>know</b> 4:18 24:15 35:20 38:8 <b>known</b> 2:19 <hr/> <b>L</b> <b>lack</b> 25:23 <b>language</b> 7:8,10 8:2 8:7 9:5,8,11,18,20 10:10 11:5,6,10 11:12 12:9,11,11 12:15,18 13:9,24 16:6,9 24:10 25:23 26:20 29:16 30:3,4 33:17,19 34:6,13,17 35:1,4 35:5,15 37:11 <b>last</b> 23:10 31:24 36:5 <b>later</b> 8:5 <b>law</b> 20:24 21:2 30:5 <b>laws</b> 6:2 <b>lawyer</b> 38:11 <b>lead</b> 2:8 36:1 <b>least</b> 3:3 34:7 <b>legal</b> 39:16 <b>less</b> 18:21 34:21 <b>let</b> 20:12,14 27:2 34:19 37:5 41:15
---	---	---	---	--

<p><b>letter</b> 3:7,12  <b>Let's</b> 30:13  <b>License</b> 43:13  <b>like</b> 4:16 5:13 12:21  14:17,22 21:18  32:8,12 38:19,23  39:22 40:13  <b>likely</b> 9:9 10:20  <b>limit</b> 28:20  <b>limitation</b> 25:5,8  <b>limitations</b> 28:7,9  <b>line</b> 35:20,20  <b>list</b> 28:24 41:18  <b>litany</b> 24:17  <b>literature</b> 29:3  <b>little</b> 30:6 31:21  40:22  <b>live</b> 35:4  <b>load</b> 24:22  <b>location</b> 28:2  <b>logical</b> 37:16  <b>longer</b> 29:19,22  <b>look</b> 4:22 5:2 12:23  24:1 37:9,12  <b>looked</b> 13:10 35:18  <b>looking</b> 34:23  <b>looks</b> 9:6  <b>lot</b> 4:19 14:9,12  26:8 30:12 32:24  40:21  <b>L.A</b> 1:23</p> <hr/> <p style="text-align: center;"><b>M</b></p> <p><b>made</b> 17:5 23:4  25:16 34:1,11  40:5  <b>mainstream</b> 18:22  <b>major</b> 18:22 37:8  <b>make</b> 3:1 14:20  22:17 23:20,22  26:24 29:12 30:9  30:20 31:6 36:4  37:5,11 39:12,23  <b>makes</b> 37:1  <b>making</b> 16:16 37:2  <b>manuals</b> 27:8  <b>many</b> 4:21 13:15  16:24 18:3 34:1  <b>Mary</b> 2:2  <b>material</b> 29:8  <b>mathematical</b> 29:6  <b>matter</b> 1:3 2:4,8,11  6:16 10:9 16:12  22:5 23:3  <b>may</b> 4:1 14:24 15:3  15:16 17:22 18:19  22:20 26:7,14  29:19,21 32:19  38:1  <b>maybe</b> 39:14  <b>mean</b> 30:8 39:10</p>	<p><b>meaningful</b> 25:19  <b>means</b> 30:23  <b>meant</b> 25:14  <b>measurement</b> 33:8  <b>mechanisms</b> 13:13  <b>meeting</b> 9:21 12:16  33:18,23 34:5,6  <b>Melas</b> 2:9  <b>member</b> 2:8 4:10  5:18,22 17:18  <b>members</b> 2:9 6:4,8  6:19  <b>memorandum</b>  39:16  <b>mentioned</b> 9:19  <b>merely</b> 7:19 8:2  <b>merit</b> 21:5  <b>Messina</b> 5:8,9  15:23 16:8,13  17:3,7 19:20 20:6  21:9,18 23:15  25:13 26:15,21  28:11  <b>meters</b> 32:7  <b>method</b> 32:16,20  <b>methods</b> 32:12,13  32:20  <b>Michael</b> 2:10  <b>midst</b> 7:20  <b>might</b> 29:16 39:9  <b>mind</b> 23:14 27:4  30:3  <b>minimized</b> 35:5  <b>misinterpretation</b>  12:13  <b>missed</b> 28:12  <b>missing</b> 39:2  <b>modification</b> 19:11  19:17 20:2 24:6  37:8,8,10,16  39:19  <b>modifications</b> 24:13  <b>modified</b> 19:10  23:23  <b>modifies</b> 12:11  <b>modify</b> 18:8 36:17  36:21  <b>modifying</b> 11:6,12  <b>moment</b> 26:19 41:2  <b>moments</b> 23:16  <b>monitoring</b> 25:8  32:11 33:1,3,4  <b>more</b> 6:8 14:12 18:6  18:6,13,17,22  22:16 26:8,21  30:6,23 31:13,21  32:24 33:20,21  34:21 36:9 38:11  <b>Moreover</b> 6:6  <b>morning</b> 2:1 5:8,15  <b>most</b> 14:18 27:3,3</p>	<p>35:2  <b>move</b> 20:12  <b>moving</b> 17:7 19:20  26:22  <b>MPDS</b> 29:19  <b>much</b> 5:1 7:2 13:6  30:23 31:14,15  33:8 34:6 35:15  38:11 41:23  <b>municipal</b> 32:6  <b>must</b> 3:1 8:15</p> <hr/> <p style="text-align: center;"><b>N</b></p> <p><b>name</b> 2:1 4:4 5:8,15  <b>narrative</b> 11:18  <b>narrowed</b> 41:17  <b>nature</b> 22:21 27:21  33:7  <b>nearly</b> 11:4  <b>necessary</b> 15:17  21:13 25:21 36:19  38:3  <b>necessitated</b> 33:6  <b>necessity</b> 20:23  22:20  <b>need</b> 7:3 17:14,17  22:9,12,16,23  23:16 25:11 28:5  31:20 38:16  <b>needed</b> 32:23  <b>needs</b> 22:7  <b>negotiated</b> 4:18  <b>negotiating</b> 25:24  <b>negotiation</b> 34:15  <b>never</b> 36:22  <b>new</b> 7:16 9:8 10:10  11:9 17:13 18:3  19:1,12 25:1  27:17 31:23  <b>next</b> 13:3 24:1  <b>Nicholas</b> 2:9  <b>nonpoint</b> 11:23  <b>normally</b> 25:5  <b>note</b> 4:9  <b>noted</b> 8:13 9:2  <b>notes</b> 16:22,22 17:3  17:4 43:8  <b>nothing</b> 15:19  18:19 33:9 42:1  <b>notice</b> 6:24 7:9,16  10:6 12:19 15:9  16:9 17:15 29:16  29:21 31:17 34:24  <b>noticed</b> 24:7  <b>notices</b> 19:9  <b>notifying</b> 41:10  <b>notion</b> 4:12  <b>not-for-profit</b> 5:21  <b>November</b> 1:14  <b>NPDES</b> 1:5,6 2:6  6:14 10:21 11:3</p>	<p><b>number</b> 2:7 13:13  27:19 35:6 39:18  40:4  <b>numeric</b> 11:19</p> <hr/> <p style="text-align: center;"><b>O</b></p> <p><b>O</b> 43:2,2  <b>oath</b> 43:5  <b>objection</b> 14:1  <b>objectionable</b> 19:19  <b>objective</b> 22:14  <b>obtain</b> 8:19  <b>obvious</b> 21:1  <b>obviously</b> 23:11  <b>occur</b> 21:21  <b>occurred</b> 4:22  <b>off</b> 41:2,3,6  <b>offer</b> 10:9  <b>offered</b> 35:9  <b>officer</b> 2:3 41:9  <b>often</b> 25:10 38:20  39:8  <b>old</b> 18:8,24  <b>Once</b> 12:21  <b>one</b> 4:6 9:22 13:21  14:7,18,21 21:15  26:4 28:12 31:3  31:23,23 34:14  36:5,9 37:21  38:19  <b>ongoing</b> 17:24  <b>only</b> 10:22 23:4  38:21,23  <b>openly</b> 30:14  <b>operating</b> 18:10  19:13  <b>operation</b> 24:21  27:21  <b>operational</b> 17:20  18:1  <b>opinion</b> 7:1,2,13,24  8:14 9:13  <b>opportunity</b> 2:20  5:20 8:24 12:22  22:21  <b>order</b> 3:18 7:1  12:19 19:1 22:8  37:17 41:9  <b>organized</b> 6:3  <b>original</b> 12:11  24:23,24 25:2,3  <b>originally</b> 17:22  24:7  <b>other</b> 4:7 5:24 9:14  9:20 10:9 15:21  16:24 17:11 18:2  23:15 26:13,20  28:4 29:13,23  30:3 35:6 40:4  <b>others</b> 33:2  <b>out</b> 13:12 14:19,20</p>	<p>18:9 25:23 31:15  31:17  <b>outgrowth</b> 37:17  <b>outreach</b> 31:18  <b>out-of-date</b> 19:14  <b>over</b> 4:7 13:10  14:18 23:12  <b>own</b> 18:12 22:13  <b>o'clock</b> 23:10</p> <hr/> <p style="text-align: center;"><b>P</b></p> <p><b>Pacult</b> 1:11,24 43:4  43:12  <b>paragraph</b> 10:4,10  28:9  <b>paragraphs</b> 10:1  26:10  <b>parameter</b> 12:2  <b>part</b> 1:6 2:5 6:13  7:6 8:16 29:7  30:1 40:16  <b>partially</b> 24:3  <b>participant</b> 21:22  <b>participants</b> 4:19  41:9  <b>participate</b> 33:24  <b>participated</b> 6:21  <b>participates</b> 34:14  <b>participating</b> 12:23  <b>participation</b> 1:5  2:5 5:2 6:13 30:5  30:12,19,22 39:1  39:1  <b>particular</b> 19:24  25:23 26:18 29:2  39:2  <b>particularly</b> 18:20  33:21  <b>parties</b> 6:18 26:1,2  35:7,10 40:2  <b>party</b> 10:18 35:11  39:20  <b>people</b> 26:13 30:15  31:20 33:16,20,21  35:16  <b>perception</b> 26:3  <b>perform</b> 3:11  <b>perhaps</b> 18:20 30:6  <b>perimeters</b> 18:14  32:19  <b>period</b> 15:1,9 21:22  22:2,7,15,24 23:2  23:11,21 25:16,21  38:2 41:7,10  <b>permit</b> 10:6,6,21  16:21,24 17:13,15  17:15,22,23 18:3  18:3,7,9,16,24  19:1,13,15,24  22:11,14 23:5,6,7  23:23,24,24 24:6</p>
--	---	---	--	---

24:24 25:3,5,9,15 27:20 28:9,16,24 29:22,24 31:6 32:3,16 36:17,21 39:4,24 40:3,5 <b>permits</b> 1:7 2:6 6:14 17:10,11 19:10,11 29:20 30:17,17 32:18,24 33:2 <b>permitting</b> 1:7 2:6 6:14 10:14 16:16 16:17 <b>permit's</b> 23:14 <b>personal</b> 18:12 22:13 <b>personally</b> 26:7 38:7 <b>perspective</b> 17:16 18:5,12 22:13 <b>pertaining</b> 9:18 10:4 <b>pertains</b> 28:9 <b>pertinent</b> 18:11 <b>petition</b> 14:20 <b>petitioned</b> 34:20 <b>Petitioner's</b> 34:7 <b>pH</b> 33:7 <b>piece</b> 29:2 <b>place</b> 8:3 24:20 27:10 <b>plans</b> 20:16 <b>plant</b> 32:6 33:3 <b>play</b> 39:5 <b>please</b> 4:4,6,9 15:24 <b>pleased</b> 4:21 <b>point</b> 11:23 <b>pointed</b> 13:12 <b>pollutant</b> 12:1,2 24:22 <b>pollution</b> 1:1 5:19 11:24 <b>population</b> 31:19 <b>position</b> 10:9 34:24 <b>positioned</b> 10:8 <b>possibilities</b> 24:17 <b>potential</b> 8:7 11:16 27:5,13 <b>potentially</b> 7:7 10:11 15:9 <b>practice</b> 8:3 16:3,12 19:9 22:5 23:3 32:2,22 33:5,7 <b>preconceived</b> 4:12 <b>predictions</b> 27:23 <b>preliminarily</b> 6:21 <b>preliminary</b> 9:22 <b>prepared</b> 5:12 6:23 13:19 <b>present</b> 2:9 5:13,20 32:2	<b>presentation</b> 13:19 14:4,15 <b>presentations</b> 14:6 <b>presented</b> 13:8 <b>presumes</b> 14:4 <b>pretty</b> 14:19 <b>previous</b> 10:6 17:15 <b>prior</b> 2:21 18:16,17 26:9 <b>probably</b> 18:9,13 30:1,8 38:6 <b>problem</b> 14:11 19:5 <b>procedural</b> 8:17 <b>procedure</b> 7:19 14:3 <b>procedures</b> 1:7 2:6 6:14 11:21 35:16 <b>proceed</b> 7:16 8:12 41:12 <b>proceeding</b> 2:3,13 <b>proceedings</b> 1:10 43:6 <b>process</b> 10:22 12:24 21:22 28:18 37:4 <b>produce</b> 2:24 <b>professional</b> 16:16 <b>program</b> 11:3 30:6 30:11,13 <b>promote</b> 6:3 <b>promulgate</b> 6:1 <b>properly</b> 23:1 29:12 <b>proponent</b> 3:22 <b>proponents</b> 6:17 8:10 11:1,5 <b>proposal</b> 6:17,21 7:4,5 29:21 35:18 <b>proposals</b> 13:8 <b>proposed</b> 1:5 2:4,21 3:1,5 6:11,12 7:16 8:9 11:1 16:2 19:7,12 31:5 33:11,12 34:9 35:14 <b>proposes</b> 13:22 <b>Protection</b> 2:16 6:5 <b>provide</b> 12:22 25:17 26:16 38:13 38:22 39:8 <b>provided</b> 9:7 22:3 39:20 <b>provides</b> 11:13 15:12 25:19 <b>providing</b> 17:14 28:15 <b>provision</b> 7:19 8:1 8:21 11:1 31:24 <b>provisions</b> 9:4 <b>public</b> 1:5 2:5 3:3,4 6:12 9:1 10:5 15:1,8,16 17:15 17:19 18:13 19:9	20:23,23 21:6,13 21:17,23 22:1,2,7 22:21,24 23:2,4 23:13,21 24:7 25:3,9,16,20 26:6 30:5,12,19,22 31:17,18 38:24 39:1,12 <b>publication</b> 29:3 <b>purpose</b> 2:13 3:14 <b>put</b> 31:17 41:21 <hr/> <b>Q</b> <b>qualify</b> 39:15 <b>quality</b> 11:11,20 27:6 28:3,10 33:3 <b>question</b> 4:1,9 14:2 14:3,7 15:7,14 19:2 20:7,11 21:19 22:16 23:1 28:12,14 29:15 31:3,9,24 33:11 33:11 34:11 36:5 37:21 38:3,18 <b>questions</b> 3:15,24 4:5,8 5:3 8:5 9:10 13:1 14:14 15:21 23:16 26:22 29:13 <b>quickly</b> 28:12 30:23 <b>quite</b> 23:9 25:10 30:11 <hr/> <b>R</b> <b>raise</b> 4:2 14:15 <b>raised</b> 29:15 <b>Randolph</b> 1:15 <b>rather</b> 18:16 <b>rationale</b> 10:3 <b>reach</b> 15:3 <b>reaching</b> 8:6 21:4 <b>react</b> 13:19,21 <b>reaction</b> 25:9 <b>read</b> 30:16 39:17 <b>readily</b> 32:19 <b>reading</b> 24:9 39:14 <b>real</b> 41:19 <b>reality</b> 16:12 17:24 <b>really</b> 24:4 40:14 <b>reason</b> 37:2,6 <b>reasonable</b> 11:16 27:5,12 <b>reasonably</b> 40:2 <b>reasons</b> 7:13,14 8:11 9:13,14 <b>receipt</b> 41:7 <b>receive</b> 15:1 <b>receiving</b> 12:8 <b>receptive</b> 26:14 <b>recipient</b> 23:6 <b>recognized</b> 35:24 <b>recommendations</b>	35:8 <b>record</b> 4:8,11 8:11 8:16 15:1,16 16:1 16:4 20:8 24:12 26:23 29:10 41:2 41:3,5,6 <b>records</b> 34:23 <b>reduced</b> 41:22 <b>redundant</b> 26:8 <b>reference</b> 29:24 32:12 <b>referring</b> 28:20 <b>refers</b> 27:5 <b>refine</b> 4:23 <b>reflect</b> 16:23 19:12 <b>reflects</b> 18:9 <b>regard</b> 17:2 21:1,19 28:13 35:7 <b>regarding</b> 7:3 16:3 <b>regards</b> 7:24 8:17 9:7,11,16 10:1 15:24 16:14 21:10 <b>regulated</b> 5:24 6:20 18:15 33:24 34:8 <b>regulating</b> 24:24 <b>regulation</b> 18:15 <b>regulations</b> 6:2 11:2,7 12:10 17:19 18:10 <b>regulatory</b> 3:20 5:10,17 19:13 <b>related</b> 5:24 12:10 28:4 <b>relates</b> 18:16 <b>relationship</b> 19:14 <b>remainder</b> 12:23 <b>remains</b> 8:1 <b>remember</b> 35:13,13 35:21 <b>renewal</b> 18:20 20:2 <b>renewed</b> 18:3 <b>renumbered</b> 9:8 <b>reopen</b> 14:24 15:16 23:21 26:6 37:24 38:1 <b>repeat</b> 24:2 <b>REPORT</b> 1:10 <b>reported</b> 43:6 <b>reporter</b> 1:12 4:7 43:5 <b>Reporting</b> 1:23 <b>represent</b> 4:5 40:5 <b>representatives</b> 6:19 33:23 <b>represented</b> 24:23 35:3 <b>represents</b> 3:22 <b>request</b> 2:18,24 17:12 31:6 <b>requested</b> 3:7 27:24 <b>requests</b> 17:12	<b>require</b> 7:6 16:11 33:2 <b>required</b> 10:11 11:3 25:2 <b>requirements</b> 8:4 17:24 32:3,10 33:1,5 <b>requires</b> 2:17 8:18 10:4 38:24 <b>requiring</b> 28:23 32:11 <b>reservations</b> 7:3 <b>reserve</b> 38:6 <b>resources</b> 3:11 10:13 <b>respect</b> 19:4 <b>respond</b> 23:8,12 25:15 <b>responded</b> 3:10 <b>response</b> 6:11 22:1 <b>responsive</b> 39:12 <b>result</b> 25:11 34:5,10 40:15 <b>review</b> 16:22 20:4 20:21 27:19 <b>reviewed</b> 6:20,22 6:24 <b>reviews</b> 17:12 18:1 <b>re-draft</b> 18:12 <b>re-issuance</b> 19:17 <b>re-issued</b> 17:10 19:6,11 <b>right</b> 2:7 15:7,11 22:15,17 39:14,17 <b>ripe</b> 12:13 <b>risk</b> 12:12 <b>role</b> 39:5 <b>room</b> 1:15 3:13 <b>round</b> 15:10 25:3 <b>routine</b> 33:7 <b>Roy</b> 24:3 32:17 <b>RO3-19</b> 2:7 <b>rule</b> 32:18 33:11,12 34:3,21 40:21 <b>rulemaking</b> 1:5 2:14 3:22 4:17,17 4:18 5:1 6:11 12:22 35:1 41:19 <b>rulemakings</b> 3:9,12 34:22 <b>rules</b> 1:6 2:5,21,22 3:1,5 6:13 8:17 34:9 <b>ruling</b> 9:15 <b>runs</b> 12:12 <b>R03-19</b> 1:4 6:14 <hr/> <b>S</b> <b>safety</b> 13:13 <b>same</b> 8:10,24 10:2 17:20
---	---	---	---	--



<p><b>Sanjay</b> 38:12  <b>satisfy</b> 39:13  <b>saying</b> 31:13 39:16  39:22  <b>says</b> 36:16 40:1,4  40:21 43:5  <b>schedule</b> 25:8  <b>scheduled</b> 9:22  <b>science</b> 16:19 30:16  <b>second</b> 3:14 12:16  15:9,9 17:9 33:14  <b>section</b> 2:15,17 3:6  7:12,18,23 8:13  8:17 9:16,19,24  10:24 11:7,8  12:14 13:23 15:12  15:24 16:2 17:7  20:19 21:20,20  26:22 34:12 36:7  38:20 39:5,6,7  <b>sections</b> 7:16 8:8,9  8:22,23 9:12  <b>secure</b> 22:11  <b>see</b> 4:22 29:20  <b>seeing</b> 17:23  <b>seek</b> 20:17  <b>seeking</b> 36:13  <b>seemingly</b> 8:15  <b>seems</b> 25:14 39:11  <b>sensitivity</b> 12:3  <b>sentence</b> 13:22  <b>series</b> 27:6  <b>serve</b> 2:3  <b>session</b> 25:24  <b>set</b> 7:14  <b>several</b> 7:5 15:23  <b>sheet</b> 18:14 19:12  19:22 20:3 31:16  <b>sheets</b> 19:10  <b>ship</b> 13:14  <b>short</b> 5:18 7:1  41:18  <b>shortage</b> 10:13  <b>shorthand</b> 1:12  43:6,8  <b>Sierra</b> 34:20  <b>significant</b> 9:3  18:21,22 24:6,13  24:14 25:6 37:8  37:16  <b>significantly</b> 23:23  36:17  <b>similar</b> 39:18  <b>simply</b> 28:15  <b>since</b> 4:19  <b>situation</b> 12:13  21:21 29:18,18  <b>situations</b> 18:18  38:21,23  <b>smaller</b> 18:21</p>	<p><b>Sofat</b> 35:17 37:15  38:18 39:15  <b>solicit</b> 22:9  <b>some</b> 4:20,23 5:12  5:22 8:5 12:9,15  14:4 17:22 18:4  18:10,17,20 19:14  20:15 22:11,19  24:16,19 25:17  26:2,3,9 29:15  30:1,8,18 32:10  32:24 33:2,15,16  33:19,21 34:8,9  35:9 37:3 38:12  40:19  <b>someone</b> 40:14,17  <b>something</b> 18:23  35:14  <b>somewhere</b> 21:2  <b>source</b> 18:23 22:10  24:21 27:18  <b>sources</b> 11:24 18:21  <b>speak</b> 4:6 31:10  <b>speaking</b> 4:6  <b>specialty</b> 32:19  <b>species</b> 12:4  <b>specific</b> 29:4 32:10  32:20 35:8  <b>specifically</b> 17:8  20:10 28:10  <b>specificity</b> 33:1  <b>specified</b> 32:3  <b>specify</b> 32:13,15  <b>spell</b> 29:12  <b>spent</b> 4:19  <b>spoken</b> 3:16  <b>SS</b> 43:1  <b>staff</b> 3:11 4:10  10:16 16:19 28:23  <b>stage</b> 39:4  <b>stakeholder</b> 9:14  12:16  <b>stakeholders</b> 6:23  9:20 10:10  <b>standard</b> 11:11,20  18:1 32:11,12,20  <b>standards</b> 27:6 28:3  <b>stand-alone</b> 17:11  <b>start</b> 3:19 21:9 27:3  <b>state</b> 1:13 4:4 6:7,9  11:3,11,19 12:12  28:8 31:19 34:21  43:1  <b>stated</b> 9:13 17:10  <b>statement</b> 30:21  <b>statistical</b> 27:15  29:7  <b>still</b> 7:3 22:3  <b>straight</b> 18:19  <b>stress</b> 38:19  <b>stricken</b> 9:11</p>	<p><b>strike</b> 19:19  <b>structured</b> 20:19  <b>studies</b> 3:11  <b>study</b> 2:21,24 3:3,9  <b>subject</b> 2:15 12:15  <b>submissions</b> 15:3  <b>submit</b> 21:22 22:1  <b>submits</b> 6:10  <b>submitted</b> 34:14  35:7  <b>subparagraphs</b>  26:12  <b>subsection</b> 11:9  16:14 19:21 25:18  26:17 27:1 38:14  39:9  <b>substantially</b> 25:1  <b>sub-paragraphs</b>  20:19  <b>sufficiently</b> 8:20  <b>suggested</b> 34:13  35:13  <b>suggestions</b> 34:1,2  34:4  <b>summarizing</b> 29:24  <b>summary</b> 10:5  17:14 30:1  <b>supplements</b> 23:14  <b>support</b> 12:18 34:3  <b>supporting</b> 27:7  28:15  <b>sure</b> 4:24 22:17  24:16 26:8,10  29:12 36:5 37:5  37:11 40:18  <b>sworn</b> 5:14 13:5  15:5 38:16,17  43:5</p> <hr/> <p style="text-align: center;"><b>T</b></p> <hr/> <p><b>table</b> 35:19 40:18  <b>take</b> 10:15 19:4  29:19,22 36:1  41:11  <b>taken</b> 1:13,23,24  11:4 35:15 43:8  <b>takes</b> 10:22  <b>taking</b> 24:20  <b>talking</b> 16:5,8  <b>Tanner</b> 2:7  <b>technical</b> 29:3  38:22  <b>techniques</b> 27:7  <b>technology</b> 28:8  <b>tell</b> 26:10 32:6  <b>term</b> 25:24  <b>terminology</b> 27:4  <b>terms</b> 23:24 26:4  30:2 32:2  <b>territory</b> 31:22  <b>test</b> 24:5,5 36:7,21</p>	<p>37:1,6,7,15  <b>testifiers</b> 3:16  <b>testifies</b> 7:10  <b>testify</b> 3:17  <b>testimony</b> 3:15,19  5:3,7,13,20 6:11  6:23 7:7 9:7  12:20,22 13:3  14:5 38:6 41:12  41:20  <b>testing</b> 12:4  <b>tests</b> 32:7,7  <b>textbooks</b> 28:17,24  <b>thank</b> 5:2,19 12:21  31:1 37:20 41:13  41:15,24 42:2  <b>their</b> 23:11 28:18  28:23 29:7 34:1,4  41:16  <b>thing</b> 14:21 27:3  38:19  <b>things</b> 13:10 14:19  18:2,4 27:19  30:23,24 32:12  33:15,20  <b>think</b> 13:14,15  14:13,21 19:16  20:10 26:7,13  30:9,20,23 31:13  33:4 34:8,12 36:5  38:22  <b>third</b> 2:12 4:16  <b>though</b> 4:17 14:21  <b>thought</b> 13:14 26:2  35:2,5,24 37:4  40:17  <b>thoughtful</b> 38:11  <b>three</b> 8:9  <b>through</b> 7:7 9:24  <b>throughout</b> 8:19  28:18  <b>time</b> 4:6,19 5:1 6:16  10:12,16,20,23  13:9 33:16 41:11  41:16,20  <b>times</b> 18:3  <b>Tipsord</b> 2:1,2 5:4,6  13:1 15:21 29:13  31:2 38:15 40:12  41:1,5 42:1  <b>Toby</b> 3:23 19:3,20  23:18 37:23 38:23  39:22  <b>today</b> 4:23 5:3,11  5:20 8:5 12:20  14:5  <b>today's</b> 2:13  <b>totally</b> 39:2  <b>touch</b> 16:1  <b>Towards</b> 35:23  <b>toxicity</b> 12:4,6</p>	<p><b>transcript</b> 41:8  43:8  <b>treatment</b> 32:6  <b>tried</b> 38:23  <b>trigger</b> 39:21,24  40:24  <b>Tristano</b> 2:10 5:4,5  33:10 34:11 35:11  36:4,13 37:5,20  <b>true</b> 43:7  <b>try</b> 4:20 18:8 19:11  20:10 30:13 34:19  34:24  <b>trying</b> 28:19  <b>Turning</b> 7:9  <b>turns</b> 14:19  <b>two</b> 26:21  <b>twofold</b> 2:14  <b>two-part</b> 24:4 36:7  36:21,24 37:6  <b>typical</b> 10:14 25:9  <b>typically</b> 16:21 17:1  19:8 20:1 23:3  27:12</p> <hr/> <p style="text-align: center;"><b>U</b></p> <hr/> <p><b>under</b> 15:13 23:19  29:17  <b>understand</b> 15:6  24:18 28:19 30:16  31:7 36:8 37:7,11  <b>understanding</b> 8:1  8:6 14:7,16 23:19  32:1  <b>undertaking</b> 10:21  <b>unlikely</b> 10:8  <b>until</b> 38:6  <b>updates</b> 18:1  <b>upfront</b> 31:18  <b>use</b> 11:21 16:15  25:24 26:24 29:11  39:6 40:3,6  <b>used</b> 27:13,22 38:20  39:8  <b>useful</b> 26:16 38:14  <b>utilization</b> 29:4  <b>utilize</b> 22:3 33:5  <b>utilized</b> 28:17</p> <hr/> <p style="text-align: center;"><b>V</b></p> <hr/> <p><b>value</b> 20:22 21:6  <b>variability</b> 12:1  <b>variety</b> 8:11  <b>various</b> 6:18,23  13:8 15:13 16:17  <b>verbatim</b> 11:4  <b>very</b> 9:3,18 29:3  31:24 36:6 38:20  39:8,18 41:14,21  <b>view</b> 24:12  <b>violation</b> 11:11</p>
---	--	--	--	---

<b>volunteered</b> 34:24	<b>084-004180</b> 43:13	<b>4</b>		
<b>W</b>	<b>1</b>	<b>4</b> 36:9 37:9,12,18 38:14 39:9 40:1,4 40:19 <b>40</b> 11:4,12 13:24 <b>415</b> 2:16 <b>45</b> 2:23 41:7		
<b>wait</b> 4:2	<b>1</b> 26:12 36:9 37:9 37:12,18 39:18 40:1,22 <b>10:00</b> 1:14 <b>100</b> 1:15 <b>108(e)</b> 28:13 <b>11-512</b> 1:15 <b>113</b> 19:21 <b>120</b> 35:14,18,20,21 38:13 40:7 <b>121</b> 15:12 <b>122</b> 13:24 <b>122.44(d)(1)(ii)</b> 11:12 <b>122.44(d)(1)(i)</b> 11:5 <b>143</b> 13:22,23 <b>17</b> 3:10 <b>19th</b> 1:13	<b>5</b> <b>5</b> 9:24 12:14 <b>5)that</b> 10:4 <b>5,000</b> 6:8 <b>5/27(b)</b> 2:16 <b>5:00</b> 23:10		
<b>want</b> 5:19 13:9 14:3 29:5 31:8 36:4,6 37:11 41:13	<b>2</b> <b>2</b> 26:13 36:9 37:9 37:12,18 40:1,22 <b>20</b> 3:3 <b>2000</b> 2:16 <b>2002</b> 6:16 <b>2003</b> 1:14 3:8,10 <b>27(b)</b> 2:15,17 3:6	<b>6</b> <b>6</b> 10:1 <b>67</b> 5:22		
<b>wanted</b> 28:12 40:18	<b>3</b> <b>3</b> 26:13 36:9 37:9 37:12,18 40:1 <b>30</b> 2:23 <b>309</b> 1:6 2:6 6:13 <b>309.105(f)</b> 7:12,17 <b>309.107(c)</b> 7:18 <b>309.108(c)</b> 7:23 <b>309.108(e)</b> 8:18 15:24 <b>309.108(3)</b> 8:8 <b>309.109(a)</b> 8:22 9:12 <b>309.112</b> 8:22 <b>309.113</b> 17:8 19:5 <b>309.113(a)</b> 9:24 <b>309.117</b> 8:8,13 <b>309.119</b> 8:23 9:16 <b>309.120</b> 9:9 20:6 23:19 34:12 39:24 <b>309.121</b> 8:23 <b>309.122</b> 8:23 9:12 <b>309.123</b> 8:9,13 <b>309.143</b> 11:8 <b>309.143(a)</b> 10:24 26:22 <b>309.146(a)(2)</b> 12:14 <b>309.146(d)</b> 31:24 <b>35</b> 1:6 2:5 6:13	<b>7</b> <b>7</b> 10:1		
<b>wants</b> 37:22 40:14	<b>8</b> <b>8</b> 9:24 10:1	<b>8</b>		
<b>waste</b> 13:9 19:4 24:21 27:14,22	<b>9</b> <b>9th</b> 3:8	<b>9</b>		
<b>waste-generated</b> 27:23				
<b>water</b> 11:11,20 12:8 19:4 27:5,14,22 28:3,10				
<b>water-quality</b> 28:4				
<b>way</b> 24:10 26:9 31:15 36:19 37:11 39:17 40:18				
<b>weighing</b> 36:17				
<b>welcome</b> 4:16				
<b>well</b> 6:6 7:14 14:19 16:10				
<b>were</b> 9:4 12:17 13:8 13:14 14:9,12 17:12,21 33:15,15 33:18,20,21 34:2 34:23 35:9 36:2 41:18				
<b>weren't</b> 35:16				
<b>West</b> 1:15				
<b>while</b> 7:2 11:4				
<b>whole</b> 12:5 14:12 24:17 25:1 30:4 39:7 40:21				
<b>wishes</b> 3:17				
<b>Witness</b> 5:14 13:5 15:5 38:17				
<b>wondering</b> 26:23				
<b>word</b> 25:24				
<b>wording</b> 35:13				
<b>words</b> 17:11 19:6 19:19 29:12 35:9 35:22 36:1,3				
<b>work</b> 14:19 33:19 41:23				
<b>workload</b> 29:17,21 30:2,9 31:4 41:22				
<b>worse</b> 31:1				
<b>write</b> 30:16,17 31:17				
<b>writing</b> 10:21 17:1				
<b>written</b> 15:13 36:18 38:7 41:9				
<b>Y</b>				
<b>year</b> 18:17				
<b>years</b> 10:15 17:21				
<b>0</b>				