

ILLINOIS POLLUTION CONTROL BOARD
October 6, 2022

AQUA ILLINOIS INC.,)	
)	
Petitioner,)	
)	
v.)	PCB 23-12
)	(Permit Appeal - Water)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondents.)	

HEARING REPORT

On September 28, 2022, a hearing was held in the above-captioned matter at the James R. Thompson Center, Room 9-040, 100 West Randolph St., Chicago, Illinois 60601.

Attorneys Mr. Daniel J. Deeb and Mr. Alex Garel-Frantzen appeared and participated on behalf of the petitioner, Aqua Illinois Inc. Attorneys Ms. Kathryn Pamerter, Ms. Ann Marie Hanohano and Mr. Christopher Grant appeared and participated on behalf of respondent, Illinois Environmental Protection Agency.

Preliminary Matters

On September 27, 2022, petitioner filed a motion *in limine* (Mot.) seeking to exclude any references, testimony, or argument at hearing relating to the following two documents relative to Additional Condition No. 6: “Email from David Cook dated November 5, 2021 with Kankakee and Iroquois River nitrate data and related emails,” R 000581-000600, and (2) “Kankakee WTP TP01 Nitrate,” R 000602,” because they were only first included in the complete record that was filed on September 23, 2022, and not the prior “Amended Record” filed on August 26, 2022, and September 2, 2022. *See* Mot. at 3-4. Petitioner’s motion was denied at hearing on September 28, 2022. Transcript at 10-11.

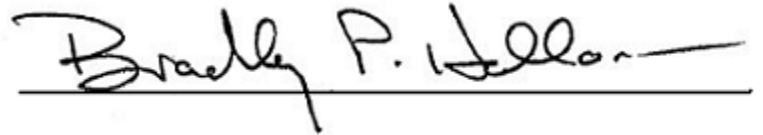
Exhibits

Exhibits were offered into evidence at the hearing. An exhibit list itemizing the offered exhibits and summarizing their status is attached to this order.

Briefing Schedule

An agreed post-hearing briefing schedule is as follows: Simultaneous opening briefs are due to be filed on or before October 21, 2022; Simultaneous responses due to be filed on or before November 9, 2022; Public Comment due to be filed on or before October 14, 2022.

IT IS SO ORDERED.

A handwritten signature in black ink that reads "Bradley P. Halloran". The signature is written in a cursive style and is positioned above a solid horizontal line.

Bradley P. Halloran
Hearing Officer
Illinois Pollution Control Board
60 E. Van Buren Street, Suite 630
Chicago, Illinois 60605
312.814.8917
Brad.halloran@illinois.gov

PCB 23-12
September 28, 2022, Hearing

Exhibit List

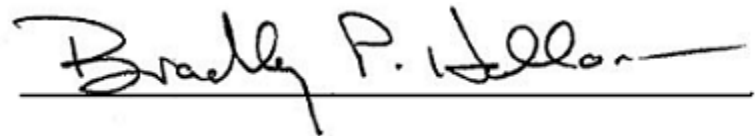
Exhibit	Description	Status
Hearing Officer Exhibit 1	Complaint for injunctive relief in the Will County Enforcement matter, 19CH1208J (Submitted by Respondent)	Admitted-over objection
Hearing Officer Exhibit 2	Record on Appeal	Admitted

CERTIFICATE OF SERVICE

It is hereby certified that true copies of the foregoing order were e-mailed on October 6, 2022, to each of the persons on the attached service list.

It is hereby certified that a true copy of the foregoing order was delivered to the following on October 6, 2022:

Don Brown
Illinois Pollution Control Board
60 E. Van Buren Street
Suite 630
Chicago, Illinois 60605



Bradley P. Halloran
Hearing Officer
Illinois Pollution Control Board
60 E. Van Buren Street
Suite 630
Chicago, Illinois 60605
312.814.8917

@Consents electronic service.

PCB 2023-012@
Daniel J. Deeb
ArentFox Schiff LLP
233 S. Wacker Drive
Suite 6600
Chicago, IL 60606

PCB 2023-012@
Sarah L. Lode
ArentFox Schiff LLP
233 S. Wacker Drive
Suite 6600
Chicago, IL 60606

PCB 20230012@
Alex Garel-Frantzen
ArentFox Schiff LLP
233 S. Wacker Drive
Suite 6600
Chicago, IL 60606

PCB 2023-012@
Christopher J. Grant
Office of the Attorney General
69 W. Washington Street
Suite 1800
Chicago, IL 60602

PCB 2023-012@
Kathryn A. Pamerter
Office of the Attorney General
69 W. Washington Street
Suite 1800
Chicago, IL 60602

PCB 2023-012@
Ann Marie A. Hanohano
Office of the Attorney General
69 W. Washington Street
Suite 1800
Chicago, IL 60602