

1 BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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4 IN THE MATTER OF:

5 PETITION OF PDV MIDWEST R98-014

6 REFINING, L.L.C. FOR A

7 SITE-SPECIFIC RULEMAKING

8 AMENDMENT TO 35 ILL. ADM.

9 CODE 304.213

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13 Proceedings held on March 30, 1998 at 1:00 p.m.,

14 at the Illinois State Library, 300 South Second

15 Street, Springfield, Illinois, before the Honorable

16 John Knittle, Hearing Officer.

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22 Reported by: Darlene M. Niemeyer, CSR, RPR  
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2           A P P E A R A N C E S

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4 Claire A. Manning, Chairman

5 John Knittle, Attorney Assistant to  
Board Member Joseph C. Yi

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7 Kathy Glenn, Attorney Assistant to  
Board Member Ronald C. Flegal

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1 PROCEEDINGS

2 (March 30, 1998; 1:00 p.m.)

3 HEARING OFFICER KNITTLE: Good afternoon. My name

4 is John Knittle, and I am the hearing officer

5 designated for this proceeding entitled, In the Matter

6 of: Petition of PDV Midwest Refining, L.L.C. to amend

7 regulations pertaining to water pollution, R98-14.

8 The specific regulation is 35 Illinois Administrative

9 Code 304.213. Present today on behalf of the Illinois

10 Pollution Control Board is Chairman Claire Manning.

11 CHAIRMAN MANNING: Good afternoon.

12 HEARING OFFICER KNITTLE: And Kathy Glenn.

13 MS. GLENN: Hi.

14 HEARING OFFICER KNITTLE: Public Act 90-489 which

15 became effective on January 1st, 1998, requires the

16 Board to request the Department of Commerce and

17 Community Affairs to conduct an Economic Impact Study

18 on certain proposed rules prior to the adoption of

19 those rules. If DCCA chooses to conduct a study they

20 have 30 to 45 days after such a request to produce a

21 study of the economic impact of the proposed rules.

22 The Board must make the Economic Impact Study, or

23 DCCA's explanation for not having a study, available

24 to the public at least 20 days before public hearing

25 on the economic impact of the proposed rules. The

1 rulemaking designated for this hearing has been  
2 subject to Public Act 90-489. In accordance with this  
3 Public Act, the Board has requested, by a letter dated  
4 January 30, 1998, that DCCA conduct an economic impact  
5 study for this rulemaking.

6 In addition to requesting that DCCA conduct an  
7 Economic Impact Study, the request letter referenced a  
8 letter dated January 26, 1998 from DCCA. The DCCA  
9 letter notified the Board that DCCA would not be  
10 conducting an Economic Impact Study on rules pending  
11 before the Board for the remainder of the fiscal year  
12 of '98 because DCCA lacked, among other things, the  
13 technical resources and the financial resources to  
14 conduct such studies.

15 Therefore, in the request letter the Board asked  
16 that DCCA notify the Board within ten days of the  
17 receipt of this request if DCCA intended to conduct an  
18 Economic Impact Study on the proposed rules. The  
19 Board further stated that if the Board did not receive  
20 such notification, the Board would rely on DCCA's  
21 January 26, 1998 letter as a required explanation for  
22 not conducting the economic impact study.

23 The ten days for DCCA to notify the Board has  
24 expired, and the Board has not received any  
25 notification from DCCA that it would be conducting the

1 Economic Impact Study on this rulemaking.  
2 Accordingly, the Board will rely on the January 26,  
3 1998 letter as DCCA's explanation for not producing a  
4 study. I didn't mention it earlier, but I have DCCA's  
5 letter as well as the Board's letter available on the  
6 side table up there along with the sign up sheet if  
7 anyone wishes to testify today.

8 All hearings required by the Environmental  
9 Protection Act, except for this proceeding, have been  
10 completed for this rulemaking. The Board, therefore,  
11 is holding this hearing solely for the purpose for the  
12 public to comment on DCCA's explanation for not  
13 conducting an Economic Impact Study in this  
14 rulemaking.

15 Like any other Board rulemaking, any person who  
16 testifies will be sworn and subject to  
17 cross-examination. Moreover, this hearing will be  
18 governed by the Board's procedural rules for  
19 regulatory proceedings. All information which is  
20 relevant and not repetitious or privileged will be  
21 admitted.

22 Are there any questions regarding the procedures  
23 that we will be following today? Seeing none, I would  
24 ask Chairman Manning if she has any other statements  
25 she would like to make at this time.

1 CHAIRMAN MANNING: No. Just welcome. Hopefully  
2 this will be a short hearing as well.

3 HEARING OFFICER KNITTLE: Thank you. Is there  
4 anyone here who would like to testify regarding DCCA's  
5 explanation for not conducting an Economic Impact  
6 Study for In the matter of: Petition of PDV Midwest  
7 Refining, L.L.C. to Amend regulations pertaining to  
8 water pollution, R98-14?

9 Seeing none, I would ask, unless there is an  
10 objection, that we go off the record but remain  
11 convened in the event that somebody does show up who  
12 would like to testify. I would say we go off the  
13 record for about ten minutes.

14 CHAIRMAN MANNING: Ten minutes would be fine.

15 HEARING OFFICER KNITTLE: Seeing no objection, we  
16 will now go off the record.

17 (Whereupon a short recess was taken.)

18 HEARING OFFICER KNITTLE: We will go back on the  
19 record.

20 I didn't see anybody new come in, so I will just  
21 ask again for the record if there is anyone here who  
22 would like to testify in this rulemaking regarding  
23 DCCA's explanation for not conducting an Economic  
24 Impact Study?

25 Seeing none, then I will just note that the

1 transcript will be ready in about a week. You can  
2 contact Darlene if you would like a copy of that or  
3 you can also contact the Pollution Control Board in  
4 the Chicago office and we can get you a copy of that  
5 there as well.

6 Any questions regarding the public comment period  
7 for this rulemaking, you should contact me, John  
8 Knittle, at the Chicago office. It is 302-814-3473.  
9 I would be glad to answer any of your questions.

10 Seeing that there are no other matters to address,  
11 this matter is hereby adjourned. Thank you for  
12 coming.

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