

1 A P P E A R A N C E S:

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HEARING TAKEN BEFORE:

3

Illinois Pollution Control Board,
100 West Randolph Street
Room C-500

4

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Chicago, Illinois 60601
(312) 814-4825

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BY: MS. CATHERINE GLENN, Hearing Officer

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ILLINOIS POLLUTION CONTROL BOARD MEMBERS

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Mr. G. Tanner Girard

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Mr. Ronald Flemal

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Mr. Nicholas Melas

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Mr. Michael Tristano

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1 HEARING OFFICER GLENN: Good morning.
2 My name is Cathy Glenn, and I am the hearing officer
3 in this proceeding. I would like to welcome you to
4 this hearing held by the Illinois Pollution Control
5 Board in the matter of Proposed Amendments to
6 Ammonia Nitrogen Standards, 35 Illinois
7 Administrative Code 302.212, 302.213, and 304.122.

8 Present today on behalf of the
9 Illinois Pollution Control Board and seated to my
10 left is Dr. Ronald Flemal; seated to my far right is
11 Mr. Michael Tristano; and seated next to me is
12 Dr. Tanner Girard. They are the Board Members that
13 have been assigned to this rule-making today.

14 Section 27(b) of the Environmental
15 Protection Act requires that the Board request of
16 the Department of Commerce and Community Affairs
17 that they conduct an economic impact study on
18 certain rules prior to the adoption of those rules.

19 If DCCA chooses to conduct their
20 study, it has 30 to 45 days after the request is
21 made to produce a study of the economic impact of
22 the proposed rules.

23 The Board must then make the
24 study, or DCCA's explanation for not conducting the

1 study, available to the public at least 20 days
2 before public hearing on the economic impact of the
3 proposed rules.

4 In accordance with Section 27(b)
5 of the Act, the Board has requested by letter dated
6 March 7, 2002, that DCCA conduct an economic impact
7 study for the above-referenced rule-making.

8 The request letter referenced
9 another letter dated March 10 of 2000 from DCCA.
10 The DCCA letter notified the Board that it would not
11 be conducting economic impact studies on rules
12 pending before the Board during the remainder of
13 fiscal year 2000 because it lacked, among other
14 things, the financial resources to conduct such
15 studies.

16 In the request letter, the Board
17 also asked that DCCA notify the Board within ten
18 days of receipt of the request if DCCA intended to
19 conduct an economic impact study on the proposed
20 rules.

21 The Board further stated that if
22 it had not been notified within ten days, the Board
23 would rely on DCCA's March 10, 2000 letter as the
24 required explanation for not conducting the study.

1 The ten days for DCCA to notify
2 the Board have expired, and the Board has not
3 received any notification from DCCA that it will be
4 conducting an economic impact study on this
5 rule-making.

6 Accordingly, the Board has relied
7 on DCCA's March 10 of 2000 letter as DCCA's
8 explanation for not producing a study. The Board
9 holds this hearing for the public to comment on
10 DCCA's explanation for not conducting the study in
11 this rule-making.

12 Like other Board regulatory
13 proceedings, anyone who testifies will be sworn and
14 subject to questioning.

15 Before I ask if anyone would like
16 to comment on DCCA's letter, I believe, Mr. Harsch,
17 you wanted to make a comment?

18 MR. HARSCH: Thank you, Cathy.

19 Most of you know our consultant in
20 this proceeding was Dr. Robert Sheehan, who passed
21 away last month leaving an awful lot of unfinished
22 business, and we -- personally, I will -- are going
23 to miss him a lot. Those of you who have worked
24 with Dr. Sheehan in the past have been before the

1 Board in a number of proceedings on behalf of
2 individual dischargers as well as working with the
3 State on other proceedings. He had worked with
4 USEPA in the development of their Criteria Document.

5 Dr. Sheehan leaves a lot of
6 unfinished work, a lot of hope and promise in his
7 wetlands research center that we were hoping to
8 capture and utilize his spirit and expertise in the
9 State's development of nutrient rules.

10 We're all going to miss him, and I
11 just wanted to make that statement on the record.

12 Thank you.

13 HEARING OFFICER GLENN: Thank you,
14 Mr. Harsch.

15 For the record, would you mind
16 telling the court reporter your name?

17 MR. HARSCH: Roy Harsch from Gardner,
18 Carton & Douglas. I'm the attorney on behalf of the
19 Proponent in this proceeding, the Illinois
20 Association of Wastewater Agencies.

21 HEARING OFFICER GLENN: Thank you,
22 Mr. Harsch.

23 On behalf of the Board, we
24 certainly do appreciate Dr. Sheehan's efforts in the

1 proceedings before the Board, and we appreciate your
2 comments.

3 MR. HARSCH: Thank you for the
4 opportunity.

5 HEARING OFFICER GLENN: Is there
6 anyone present today that would like to comment on
7 DCCA's explanation for not doing an economic impact
8 study regarding this rule?

9 I see no one here who would like
10 to testify about that, so, with no further ado,
11 there's nothing more to be done here at this hearing
12 this morning. I would just like to say that the
13 comment period will close 14 days after we receive
14 the transcript of this hearing. So, typically, we
15 receive the transcript in about eight days.

16 I will put out a hearing officer
17 order once we receive the transcript so everyone
18 will know when the public comment period will indeed
19 close.

20 Thank you for your attention this
21 morning. I think that concludes our business.

22 (Which were all the proceedings
23 had in the above-entitled cause
24 on this date.)

1 STATE OF ILLINOIS)
) SS:
2 COUNTY OF DUPAGE)

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4 STACY L. LULIAS, being first duly
5 sworn on oath says that she is a court reporter
6 doing business in the City of Chicago; that she
7 reported in shorthand the proceedings given at the
8 taking of said hearing and that the foregoing is a
9 true and correct transcript of her shorthand notes
10 so taken as aforesaid and contains all the
11 proceedings given at said hearing.

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15 STACY L. LULIAS, CSR
79 West Monroe Street, Suite 1219
Chicago, Illinois 60603
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18 SUBSCRIBED AND SWORN TO
before me this 7th day
19 of August, A.D., 2002.

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21 Notary Public

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