

AUG 02 2011

STATE OF ILLINOIS
Pollution Control Board

ILLINOIS POLLUTION CONTROL BOARD

August 2, 2011

IN THE MATTER OF:)	
)	
SETBACK ZONE FOR FAYETTE WATER)	R11-25
COMPANY COMMUNITY WATER)	(Rulemaking - Public Water Supply)
SUPPLY: AMENDMENTS TO 35 ILL.)	
ADM. CODE 618)	

ORIGINAL

NOTICE OF HEARING

DATE, TIME, AND LOCATION:

THURSDAY, SEPTEMBER 22, 2011

1:00 PM
 Illinois Pollution Control Board Conference Room 11-512
 James R. Thompson Center
 100 W. Randolph St.
 Chicago, Illinois

PURPOSE OF HEARING:	Merit and Economic
ATTENDING BOARD MEMBER:	Andrea S. Moore
HEARING OFFICER:	Timothy J. Fox

HEARING OFFICER ORDER

The first hearing in this proceeding took place Wednesday, July 27, 2011, in Vandalia, Fayette County, and the Board received the transcript on August 1, 2011. Under Section 28(a) of the Environmental Protection Act (Act), the Board will conduct a second hearing to allow interested participants the opportunity to present testimony on the merits and economic impact of the proposal. See 415 ILCS 5/28(a) (2010). At hearing, all persons wishing to testify will be sworn in and subject to questioning. See 35 Ill. Adm. Code 104.428(a), 104.430.

Section 14.3(d) of the Act, pursuant to which the Agency filed its proposal, provides in pertinent part that “[r]ulemaking proceedings initiated by the Agency under this subsection shall be conducted by the Board pursuant to Title VII of this Act, except the subsection (b) of Section 27 shall not apply.” 415 ILCS 5/14.3(d) (2010). Section 27(b) of the Act requires the Board to request that the Department of Commerce and Economic Opportunity (DCEO) conduct an economic impact study (EcIS) of proposed substantive rules and to make DCEO’s response available at least 20 days before holding a hearing on the proposal’s economic impact. 415 ILCS 5/27(b) (2010). Accordingly, the Board has not and will not request that DCEO conduct an EcIS of the Agency’s proposal.

In compliance with the Americans with Disabilities Act and other applicable federal and State laws, the hearing will be accessible to individuals with disabilities. Persons requiring auxiliary aids and services should contact John Therriault, Assistant Clerk of the Board, at 100 West Randolph St., Suite 11-500, Chicago, Illinois 60601, at telephone number 312/814-6931, fax number 312/814-3669, or TDD number 312/814-6032, five days prior to the hearing.

Pre-Filing Deadlines

Participants who intend to testify at the second hearing are urged to pre-file their testimony. Pre-filed testimony must be served on all persons on the Service List at the time of service. *See* 35 Ill. Adm. Code 102.424(c). Before filing pre-filed testimony or any other document with the Clerk, please check with the Clerk to obtain the most recent version of the Service List. Pre-filed testimony and any related exhibits for the hearing must be filed with the Board's Clerk no later than Thursday, September 8, 2011. The "mailbox rule" at 35 Ill. Adm. Code 101.300(b)(2) does not apply to the filing of any of this pre-filed testimony, and the Board's Clerk must receive these documents before the close of business on September 8, 2011. However, documents may be filed electronically through the Clerk's Office On-Line (COOL) from the Board's Web site at www.ipcb.state.il.us. 35 Ill. Adm. Code 101.302(d). Any questions about electronic filing through COOL should be directed to the Clerk's Office at (312) 814-3629.

Order of Hearing

The hearing officer intends to begin the second hearing with testimony pre-filed for it. *See* 35 Ill. Adm. Code 102.428(c). Under the Board's procedural rules, all pre-filed testimony will be entered into the record as if read. *See* 35 Ill. Adm. Code 102.424(f). A brief summary of testimony will be allowed if a witness wishes to provide one before responding to questions. Participants who do not pre-file testimony for the second hearing will be allowed to testify and respond to questions as time permits after the conclusion of all of the pre-filed testimony and questions based upon it. *See* 35 Ill. Adm. Code 102.424(g). Participant wishing to offer a public comment will be allowed to do so if time permits at the close of the testimony and questions. The Board's procedural rules also include an opportunity to file post-hearing comments. *See* 35 Ill. Adm. Code 102.108(b).

IT IS SO ORDERED.



Timothy J. Fox
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