

ILLINOIS POLLUTION CONTROL BOARD

October 30, 2018

IN THE MATTER OF )  
 )  
AMENDMENTS TO GENERAL USE ) R18-32  
WATER QUALITY STANDARDS ) (Rulemaking – Water)  
FOR CHLORIDE )

**NOTICE OF HEARING**

**DATES, TIMES, AND LOCATIONS**

**FIRST HEARING:** January 23, 2019, beginning at 10:00 am by videoconference  
between:

IPCB CHICAGO HEARING ROOM and IPCB SPRINGFIELD HEARING ROOM  
Room 2-025 Conference Room 1244 N, 1st Floor  
James R. Thompson Center Illinois Environmental Protection Agency  
100 W. Randolph 1021 N. Grands Avenue East, North Entrance  
Chicago Illinois, 60601 Springfield, Illinois 62702

If necessary, the first hearing will be continued to January 24, 2019, beginning at 10:00 am by  
videoconference between:

IPCB CHICAGO HEARING ROOM and IPCB SPRINGFIELD HEARING ROOM  
Room 11-512 Conference Room 1244 N, 1st Floor  
James R. Thompson Center Illinois Environmental Protection Agency  
100 W. Randolph 1021 N. Grands Avenue East, North Entrance  
Chicago Illinois, 60601 Springfield, Illinois 62702

**SECOND HEARING:** March 6, 2019, beginning at 10:00 am, to be continued to March 7,  
2019, beginning at 10:00 am by videoconference between:

IPCB CHICAGO HEARING ROOM and IPCB SPRINGFIELD HEARING ROOM  
Room 11-512 Conference Room 1244 N, 1st Floor  
James R. Thompson Center Illinois Environmental Protection Agency  
100 W. Randolph 1021 N. Grands Avenue East, North Entrance  
Chicago Illinois, 60601 Springfield, Illinois 62702

**PURPOSE OF HEARING:** Merit and Economic

**ATTENDING BOARD MEMBERS:** Carrie Zalewski

**HEARING OFFICER:** Martin Klein

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 Don Brown, 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.

## **HEARING OFFICER ORDER**

On June 21, 2018, the Board accepted for hearing a rulemaking proposed by Huff & Huff to the Board's General Use water quality standards for chloride. *See* 35 Ill. Adm. Code 302.208(g). Huff & Huff proposes two rule amendments. First, the proposal deletes the numeric water quality standard for chloride found in subsection (g) of Section 302.208 (35 Ill. Adm. Code 302.208(g)). Second, Huff & Huff proposes adding a new Section 302.214 (Chlorides), which sets new seasonal numeric standards for winter (December 1st to April 30th) and non-winter (May 1st to November 30th) months, with the possibility of including a third spring standard.

On October 15, 2018, a prehearing conference was held to scheduler hearings in this proceeding. After discussion, the participants agreed on the first hearing to be held the week of January 22, 2019, and the second hearing to be held the first full week of March 2019. Participants also agreed to prefiling deadlines provided below. Today's order sets the dates for the hearings and the prefiling deadlines for written testimony and questions.

### **Hearing by Videoconference**

The Board will conduct the hearings by videoconference between its Chicago and Springfield offices. 35 Ill. Adm. Code 101.600(b). Any Board hearing may be held by videoconference. *Id.* The Board's rules provide factors that a hearing officer will consider in determining whether to hold a hearing by videoconference. 35 Ill. Adm. Code 101.600(b); *see Procedural Rule Amendments: Proposed Amendments to 35 Ill. Adm. Code 101 through 125, R16-17, slip op. at 31 (May 19, 2016)*. In this case, the proposal amends the Board's General Use water quality standards, which concerns the entire state and are not tied to any specific geographic location. Also, videoconference hearings reduce travel costs and ensure efficient use of time and resources by participants and their witnesses as well as the Board members and staff.

### **Hearing Location and Pre-Filing Deadlines**

There will be two hearings to allow the proponent of the proposal and interested participant to testify and comment on the proposed amendments, as well as the merits and economic impact of the proposed rule. *See* 415 ILCS 5/28(a) (2016); 35 Ill. Adm. Code 102.412(a).

**First Hearing** is scheduled to begin on January 23, 2019 at 10:00 am, and will continue to January 24, 2019 at 10:00 am, if necessary. The hearing will be held by video conference between the Board's Chicago and Springfield offices. The hearing officer will be in Chicago.

*Pre-filed testimony is due January 2, 2019*. Participants who intend to testify at the first hearing are directed to pre-file their testimony and related exhibits by January 2, 2019. *See* 35 Ill. Adm. Code 102.424(a) & (b).

*Pre-filed questions are due January 16, 2019*. To ensure an efficient and expeditious hearing, participants intending to ask questions during the hearing are directed to pre-file their questions by January 16, 2019.

**Second Hearing** is scheduled to begin on March 6, 2019 at 10:00 am, and will continue to March 7, 2019 at 10:00 am, if necessary. The hearing will be held by video conference between the Board's Chicago and Springfield offices. The hearing officer will be in Springfield.

*Pre-filed testimony is due February 13, 2019.* Participants providing new or additional testimony at the second hearing are directed to pre-file their testimony and related exhibits by February 13, 2019. See 35 Ill. Adm. Code 102.424(a) & (b).

*Pre-filed questions are due February 27, 2019.* To ensure an efficient and expeditious hearing, participants intending to ask questions during the hearing must pre-file their questions by February 27, 2019.

### **Pre-Filing Procedures**

All filings in this proceeding will be available on the Board's website at <https://pcb.illinois.gov> in the rulemaking docket R18-32. Unless the Board, hearing officer, Clerk, or procedural rules provide otherwise, all documents in this proceeding must be filed electronically through the Clerk's Office On-Line (COOL). 35 Ill. Adm. Code 101.302(h), 101.1000(c), 101.Subpart J.

Any document to be offered as a hearing exhibit must be received by the Clerk's Office at least 24 hours before the scheduled start of the hearing. 35 Ill. Adm. Code 102.424(h). If not filed at least 24 hours before the scheduled start of the videoconference hearing, the document will not be allowed at the hearing but may be filed as a public comment after the hearing. *Id.*

The pre-filed testimony and pre-filed questions must be served on the persons on the Service List at the time of pre-filing. 35 Ill. Adm. Code 102.424(c). Before filing any document, please obtain the current version of the Service List through COOL on the Board's website ([pcb.illinois.gov](https://pcb.illinois.gov)) or by calling the Clerk's Office at 312-814-3461. Service may be done by e-mail if the recipient has consented to e-mail service and has not revoked the consent. 35 Ill. Adm. Code 101.1060. Participants in this rulemaking are encouraged to provide consent to email service of documents. See 35 Ill. Adm. Code 101.1070(a).

### **Hearing Procedures**

All persons wishing to testify at either hearing will be sworn in and subject to questioning. 35 Ill. Adm. Code 102.428(a). For both hearings, all pre-filed testimony and questions will be entered into the record as if read. 35 Ill. Adm. Code 102.424(f). A brief introduction to or summary of the testimony will be allowed if a witness wishes to provide one before responding to questions.

**First Hearing.** The hearing officer intends to begin with witnesses for the rule amendment's proponent, Huff & Huff, if any testimony is provided. See 35 Ill. Adm. Code 102.428(c). After Huff & Huff, the order for testifying will be established by the hearing officer, after consultation with those who have pre-filed testimony, on January 23, 2019.

**Second Hearing.** The hearing officer intends to begin with any participants who pre-filed testimony for the first hearing but were not able to testify and respond to questions before the end of that hearing. Next, participants who pre-filed new or additional testimony for the second hearing will present that testimony and respond to questions.

In a letter dated June 21, 2018, the Board requested that the Department of Commerce and Economic Opportunity (DCEO) conduct an economic impact study of the amended proposal and respond to the request by August 6, 2018. At the second hearing, the Board will also receive testimony on any study conducted by DCEO or DCEO's decision not to conduct one. *See* 415 ILCS 5/27(b) (2016).

Participants wishing to offer a public comment during either of the two hearings will be allowed to do so as time allows before the end of a hearing.

### **Service and Notice Lists**

The hearing officer and Clerk's Office maintain a Notice List and Service List for this proceeding. 35 Ill. Adm. Code 102.422(a), (b). The Notice List includes participants who wish to receive only the Board's opinions and orders and hearing officer orders. 35 Ill. 4 Adm. Code 102.422(a). The Service List includes participants who expect to participate more actively and wish also to receive other filings such as pre-filed testimony and questions. 35 Ill. Adm. Code 102.422(b). Electronic notice of filings may be received by providing an email address through COOL under this docket number R18-32. This electronic notice includes notice of filing of documents that are not typically provided to persons on the Notice List. In addition, COOL provides links to documents filed with the Board, and those documents can be viewed, downloaded, and printed free of charge as soon as they are posted to the Board's website. To be added to this docket's Notice List, contact Clerk's Office at 312-814-3461.

### **Written Public Comment**

Written public comment may be filed with the Board at any time until the conclusion of the comment period. That date will be announced by hearing officer order after the close of hearings. If any person has questions regarding written public comment you may contact the hearing officer or the Clerk of the Board.

IT IS SO ORDERED.



---

Martin E. Klein  
Hearing Officer  
Illinois Pollution Control Board  
100 W. Randolph, Suite 11-500  
Chicago, Illinois 60601  
(312) 814-3665  
Martin.E.Klein@Illinois.Gov