

ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)
AMENDMENTS TO 35 ILL.)
ADM. CODE SUBTITLE D:) R18-24
MINE RELATED WATER) (Rulemaking - Water)
POLLUTION)

REPORT OF THE PROCEEDINGS held in the above
entitled cause before Hearing Officer Natalie
Winqvist, called by the Illinois Pollution Control
Board, taken by Kari Wiedenhaupt, CSR, for the
State of Illinois, 100 West Randolph Street,
Chicago, Illinois, on the 20th Day of December
2018, commencing at the hour of 9:01 a.m.

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A P P E A R A N C E S

MS. BRENDA CARTER, Board Member

MR. ANAND RAO, Technical Unit

ALSO PRESENT:

MR. TIMOTHY FOX

MS. NATALIE WINQUIST

MS. STEPHANIE DIERS

MS. NANCY TIKALSKY

1 MS. WINQUIST: My name is Natalie
2 Winquist, and welcome to this Illinois Pollution
3 Control Board hearing. I am one of the two
4 assigned hearing officers for this rulemaking. We
5 also have Tim Fox. He is the other hearing
6 officer. Today we are holding the second hearing
7 in this rulemaking proceeding entitled, Amendments
8 to 35 Illinois Administrative Code Subtitle D:
9 Mine Related Water Pollution.

10 The Board docket number for this
11 rulemaking is R18-24. We are conducting this
12 hearing via video conference with our Springfield
13 office. Here with us today in our Chicago office,
14 we have Board Member, Brenda Carter, to my left.
15 She is one of the two Board Members assigned to
16 this rulemaking. Unfortunately, the other Board
17 Member, Cynthia Santos, could not join us today.

18 And then, as I mentioned, to my
19 right, this is Tim Fox. He is the other hearing
20 officer in this proceeding. And we also have
21 Anand Rao from our Technical Unit. And then I
22 don't believe we have anyone from the Board at our
23 Springfield office.

24 So we will move along with some

1 housekeeping matters. This hearing is governed by
2 the Board's procedural rules. Under Section
3 104.426 of those rules, all information that is
4 relevant and that is not repetitious or privileged
5 will be admitted into the record. Please bear in
6 mind that any questions posed today by the Board
7 and its staff are intended solely to help develop
8 a clear and complete record for the Board's
9 decision, and do not reflect any decision on the
10 proposal, testimony, or other questions. For the
11 sake of our court reporter in Chicago and to help
12 provide a clear transcript, please speak clearly,
13 and avoid speaking at the same time as another
14 person.

15 A brief background on this
16 rulemaking. On January 10th, 2018, the Illinois
17 Environmental Protection Agency filed a rulemaking
18 proposal that contained numerous non-substantive
19 changes throughout the subtitles of the Board's
20 rules in response to the Governor's Executive
21 Order 16-13.

22 On March 22, 2018, the Board
23 opened this Docket R18-24, specifically to address
24 Amendments to Subtitle D: Mine Related Water

1 Pollution. On July 26th, 2018, the Board adopted
2 a proposal for public comment, which incorporated
3 the Agency's proposed changes, and also included
4 other changes proposed by the Board. This is the
5 second of our two required hearings in this
6 matter.

7 On November 2nd, 2018, the
8 hearing officers directed participants intending
9 to testify at this hearing to pre-file testimony
10 for this hearing by Thursday, December 13th, 2018.
11 The Board did not receive any pre-filed testimony
12 for today's hearing.

13 Before I jump in to see if
14 anyone would like to testify today, I was just
15 wondering, Ms. Diers, do you have anything that
16 you want to address procedurally, and if you do,
17 would you identify yourself for the record?

18 MS. DIERS: Stephanie Diers from
19 Illinois EPA, and I do not have anything
20 procedurally.

21 MS. WINQUIST: Okay. Thank you.
22 Then, we will just move right along. As I
23 mentioned, no one pre-filed any testimony, but is
24 there anyone here today that wishes to testify on

1 this proposal?

2 (No response.)

3 MS. WINQUIST: I don't see anyone
4 here in Chicago. Is there anyone in Springfield?

5 MS. DIERS: No, there is not.

6 MS. WINQUIST: Thank you. And then,
7 let me see here. We are going to move on. Is
8 there anyone present in the Chicago office that
9 would like to provide a comment on this proposal?

10 (No response.)

11 MS. WINQUIST: I don't see anyone
12 here in Chicago. Is there anyone in Springfield?

13 MS. DIERS: No, there is not.

14 MS. WINQUIST: Thank you. Let me
15 see here. At this point, it's only 9:04, but I
16 think we will just go off the record for about
17 five minutes. I know there were some delays on
18 the train. So just in case there was anyone else
19 who would like to participate, we will resume at
20 9:10 and address the economic impact study and
21 then basically be adjourned at that point. Thank
22 you.

23 MS. DIERS: All right. Thank you.

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1 (Whereupon, a short break was
2 taken.)

3 MS. WINQUIST: It's 9:11 a.m. Thank
4 you for your patience. No one else has arrived
5 here in our Chicago office.

6 Am I correct in assuming that no
7 one else has arrived in the Springfield office to
8 provide comment or testify?

9 MS. DIERS: Correct.

10 MS. WINQUIST: Okay. Thank you.

11 All right. We will move on to
12 the issue of the economic impact study. Section
13 27(b) of the Environmental Protection Act provides
14 that the Board must request that the Department of
15 Commerce and Economic Opportunity, also known as
16 DCEO, conduct an economic impact study of the
17 proposed rules before the Board adopts those
18 rules. The Board must make either the economic
19 impact study or the Department's explanation for
20 not conducting one, available to the public at
21 least 20 days before a public hearing.

22 In a letter dated October 24th,
23 2018, Board Chairman, Katie Papadimitriu,
24 requested that DCEO conduct an economic impact

1 study of this rulemaking proposal. The Board
2 specifically requested a response no later than
3 November 30th, 2018. The Board did not receive a
4 response from DCEO to this request.

5 Briefly, is there anyone who
6 would like to testify or comment regarding the
7 Board's request for a study and DCEO's response?

8 (No response.)

9 MS. WINQUIST: I do not see anyone
10 in the Chicago office. Is there anyone in the
11 Springfield office who would like to comment?

12 MS. DIERS: No.

13 MS. WINQUIST: Thank you.

14 We will just move on to a
15 last -- or some few -- excuse me -- a few
16 procedural matters before we wrap up. Copies of
17 the transcript from today's hearing are expected
18 to be available at the Board no later than Friday,
19 December 28th, 2018. Promptly after the Board
20 receives the transcript, it will be posted to the
21 Board's website where it can be viewed and printed
22 under this Docket No. R18-24.

23 And before the Board takes
24 action on this proposal, the Board will hold open

1 a post-hearing comment period. Typically, that
2 comment period is 14 days from the date the
3 transcript is filed.

4 But, Ms. Diers, I know at the
5 last hearing Ms. Tikalsky from the Attorney
6 General's Office had some comments regarding
7 Section 405.101. I don't know, is 14 days enough
8 time to address those -- adequately address those
9 comments?

10 MS. DIERS: Yes, 14 days is fine.

11 MS. WINQUIST: Okay. All right.

12 Let me see here. If we get the transcript filed
13 by Friday, December 28th, then the comment period
14 would close on January 11th, 2019.

15 Is that acceptable?

16 MS. DIERS: Yes, that's fine.

17 MS. WINQUIST: All right. Perfect.

18 Thank you. And then once the Board does receive
19 the transcript, I will issue a hearing officer
20 order and confirm that deadline to submit any
21 comments.

22 Just a reminder that filings
23 with the Board must also be served on the hearing
24 officer and on those persons on the service list.

1 Before filing, please check on COOL or with the
2 Board's clerk to ensure that you have the most
3 recent version of the service list.

4 Are there any other matters that
5 need to be addressed before we adjourn?

6 MS. DIERS: We are good in
7 Springfield.

8 MS. WINQUIST: All right. Thank
9 you. All right. At this point, I just wanted to
10 thank everyone for participating, and the second
11 and final hearing is adjourned.

12 (END OF PROCEEDINGS.)

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1 I, KARI WIEDENHAUPT, do hereby certify that
2 the foregoing was reported by stenographic and
3 mechanical means, which matter was held on the
4 date, and at the time and place set out on the
5 title page hereof and that the foregoing
6 constitutes a true and accurate transcript of
7 same.

8 I further certify that I am not related to
9 any of the parties, nor am I an employee of or
10 related to any of the attorneys representing the
11 parties, and I have no financial interest in the
12 outcome of this matter.

13 I have hereunder subscribed my hand on the
14 _____ day of _____, 2018.

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KARI WIEDENHAUPT, CSR

<hr/> A <hr/> a.m 1:15 7:3 acceptable 9:15 accurate 11:6 Act 7:13 action 8:24 address 4:23 5:16 6:20 9:8,8 addressed 10:5 adequately 9:8 adjourn 10:5 adjourned 6:21 10:11 ADM 1:6 Administrative 3:8 admitted 4:5 adopted 5:1 adopts 7:17 Agency 4:17 Agency's 5:3 Amendments 1:5 3:7 4:24 Anand 2:4 3:21 arrived 7:4,7 assigned 3:4,15 assuming 7:6 Attorney 9:5 attorneys 11:10 available 7:20 8:18 avoid 4:13 <hr/> B <hr/> background 4:15 basically 6:21 bear 4:5 believe 3:22 Board 1:2,12 2:3 3:3,10,14,15,16 3:22 4:6,22 5:1,4 5:11 7:14,17,18 7:23 8:1,3,18,19 8:23,24 9:18,23 Board's 4:2,8,19 8:7,21 10:2 break 7:1	Brenda 2:3 3:14 brief 4:15 Briefly 8:5 <hr/> C <hr/> C 2:1 called 1:11 Carter 2:3 3:14 case 6:18 cause 1:10 certify 11:1,8 Chairman 7:23 changes 4:19 5:3,4 check 10:1 Chicago 1:14 3:13 4:11 6:4,8,12 7:5 8:10 clear 4:8,12 clearly 4:12 clerk 10:2 close 9:14 Code 1:6 3:8 commencing 1:15 comment 5:2 6:9 7:8 8:6,11 9:1,2 9:13 comments 9:6,9,21 Commerce 7:15 complete 4:8 conduct 7:16,24 conducting 3:11 7:20 conference 3:12 confirm 9:20 constitutes 11:6 contained 4:18 Control 1:2,11 3:3 COOL 10:1 Copies 8:16 correct 7:6,9 court 4:11 CSR 1:12 11:21 Cynthia 3:17 <hr/> D <hr/> D 1:6 3:8 4:24 date 9:2 11:4 dated 7:22 day 1:14 11:14 days 7:21 9:2,7,10 DCEO 7:16,24 8:4 DCEO's 8:7 deadline 9:20 December 1:14 5:10 8:19 9:13 decision 4:9,9 delays 6:17 Department 7:14 Department's 7:19 develop 4:7 Diers 2:9 5:15,18 5:18 6:5,13,23 7:9 8:12 9:4,10,16 10:6 directed 5:8 docket 3:10 4:23 8:22 <hr/> E <hr/> E 2:1,1 economic 6:20 7:12 7:15,16,18,24 either 7:18 employee 11:9 ensure 10:2 entitled 1:10 3:7 Environmental 4:17 7:13 EPA 5:19 excuse 8:15 Executive 4:20 expected 8:17 explanation 7:19 <hr/> F <hr/> filed 4:17 9:3,12 filing 10:1 filings 9:22 final 10:11 financial 11:11	fine 9:10,16 five 6:17 foregoing 11:2,5 Fox 2:7 3:5,19 Friday 8:18 9:13 further 11:8 <hr/> G <hr/> General's 9:6 go 6:16 going 6:7 good 10:6 governed 4:1 Governor's 4:20 <hr/> H <hr/> hand 11:13 hearing 1:10 3:3,4 3:5,6,12,19 4:1 5:8,9,10,12 7:21 8:17 9:5,19,23 10:11 hearings 5:5 held 1:9 11:3 help 4:7,11 hereof 11:5 hereunder 11:13 hold 8:24 holding 3:6 hour 1:15 housekeeping 4:1 <hr/> I <hr/> identify 5:17 ILL 1:5 Illinois 1:2,11,13 1:14 3:2,8 4:16 5:19 impact 6:20 7:12 7:16,19,24 included 5:3 incorporated 5:2 information 4:3 intended 4:7 intending 5:8 interest 11:11	issue 7:12 9:19 <hr/> J <hr/> January 4:16 9:14 join 3:17 July 5:1 jump 5:13 <hr/> K <hr/> Kari 1:12 11:1,21 Katie 7:23 know 6:17 9:4,7 known 7:15 <hr/> L <hr/> left 3:14 letter 7:22 list 9:24 10:3 <hr/> M <hr/> March 4:22 matter 1:4 5:6 11:3 11:12 matters 4:1 8:16 10:4 means 11:3 mechanical 11:3 Member 2:3 3:14 3:17 Members 3:15 mentioned 3:18 5:23 mind 4:6 Mine 1:7 3:9 4:24 minutes 6:17 move 3:24 5:22 6:7 7:11 8:14 <hr/> N <hr/> N 2:1 name 3:1 NANCY 2:10 Natalie 1:10 2:8 3:1 need 10:5 non-substantive 4:18
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