

ILLINOIS POLLUTION CONTROL BOARD
August 19th, 2015

IN RE THE MATTER OF:)
)
AMENDMENTS TO PRIMARY DRINKING) R15-23
WATER STANDARDS) (Rulemaking - Water)
35 ILL. ADM. CODE 611)
)

Report of Proceedings had at the Hearing on August
19th, 2015, at the hour of 1:00 o'clock p.m, pursuant to
notice, at 100 West Randolph Street, Second Floor, Chicago,
Illinois, before HEARING OFFICER MARIE E. TIPSORD.

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APPEARANCES:

ILLINOIS POLLUTION CONTROL BOARD

MS. MARIE E. TIPSORD, Hearing Officer
DR. DEANNA GLOSSER, Chairman
MR. GERALD M. KEENAN, Member
MS. CARRIE ZALEWSKI, Member
MS. JENNIFER A. BURKE, Member
MR. JEROME D. O'LEARY, Member

ALSO PRESENT:

MS. ALISA LIU

1 HEARING OFFOCER TIPSORD: Good afternoon. My
2 name is Marie Tipsord, and I've been appointed by
3 the Board to serve as Hearing Officer in this
4 proceeding entitled "Amendments to Primary Drinking
5 Water Standards, 35 Ill. Admin Code 611." The
6 rulemaking is docketed as R15-23.

7 With me today to my immediate left is
8 Dr. Diane Glosser, Chairman, and the Presiding Board
9 Member. To my far right is Board Member Gerald
10 Keenan. To his immediate left is Board Member
11 Carrie Zalewski. To my far left is Board Member
12 Jerry O'Leary, and to his immediate right is Board
13 Member Jennifer Burke. To my immediate right is
14 Alisa Liu from our Technical Unit.

15 The purpose of today is twofold: First,
16 the Board will hear testimony from any witnesses.
17 The prefiling deadline for this hearing was
18 August 12th, 2015, and the Board received no
19 prefilled testimony.

20 For the record, is there anyone who wishes
21 to testify today?

22 (No response.)

23 HEARING OFFOCER TIPSORD: For the record, no
24 one is here at this time to give testimony.

1 The second purpose of today's hearing is
2 to satisfy the requirement of Section 27B in the
3 Environmental Protection Act. Section 27B of the
4 act requires the Board to request the Department of
5 Commerce and Economic Opportunity to conduct an
6 economic impact study on certain proposed rules,
7 prior to the adoption of those rules.

8 If DCEO chooses to conduct the economic
9 impact study, DCEO has 45 days after such request to
10 produce a study of economic impact of the proposed
11 rules.

12 The Board must then make the economic
13 impact study, or DCEO's explanation for not
14 conducting the study, available to the public at
15 least 20 days before a public hearing on the
16 economic impact of the proposed rules.

17 In accordance with Section 27B of the act,
18 the Board requested by a letter dated June 4th,
19 2015, and hand delivered on that day to DCEO, that
20 DCEO conduct an economic impact study for the
21 above-referenced rulemaking.

22 Any response from DCEO was due my July 16,
23 2015. We have received no response from DCEO. Does
24 anyone wish to comment on DCEO's decision not to

1 perform an economic impact study?

2 (No response.)

3 HEARING OFFOCER TIPSORD: Seeing none, I would
4 ask that we swear in the agency witness, or do you
5 want to make an opening statement and introduce
6 yourself?

7 MR. GRADELESS: Sure. My named is Rex
8 Gradeless, Division of Legal Counsel of the Illinois
9 Environmental Protection Agency.

10 To my left is David McMillan, Manager of
11 the Division of Public Water Supply at the Illinois
12 Environmental Protection Agency.

13 HEARING OFFOCER TIPSORD: Could we have
14 Mr. McMillan sworn in, please?

15 (Mr. McMillan was duly sworn.)

16 HEARING OFFOCER TIPSORD: I do have a followup
17 question for the agency. At the last hearing,
18 before the last hearing, we asked you about making
19 changes in Section 611-901, 611-904 and 611-908 in
20 an identical and substance rulemaking under
21 Section 17.5 of the act.

22 Your response had indicated that it would
23 be prudent to make the changes in this rulemaking,
24 rather than an IIS rulemaking. The Board notes that

1 the agenda for tomorrow's board meeting includes a
2 proposal for public comment in Section 17.5 IIS
3 ruling.

4 In view of the opening of that rulemaking,
5 and because those reference sections were not opened
6 in the present rulemaking, does the agency have an
7 opinion on how best to proceed with the correction?

8 MR. McMILLAN: I believe the Illinois EPA would
9 not object to including this in an identical and
10 substance rulemaking. Our only concern is that it
11 is not, quote-unquote, identical to what the
12 original proposal would have been.

13 So I don't know to what extent that would
14 pose a problem to the Board. I'm not sure. I think
15 it does reflect the intent of the original language
16 that was in the original regulation.

17 HEARING OFFOCER TIPSORD: Thank you. Does
18 anyone else have any questions for the agency
19 witness?

20 (No response.)

21 HEARING OFFOCER TIPSORD: Seeing none, let's go
22 off the record for about ten minutes to be sure that
23 no one is late for anyone who wants to testify, and
24 then we'll go back on the record.

1 Thank you. We're off the record.

2 (Recess taken.)

3 HEARING OFFOCER TIPSORD: We'll go back on the
4 record. While we were off the record earlier, I
5 spoke with the agency, and I want to again ask, for
6 the record, is anyone here to testify?

7 (No response.)

8 HEARING OFFOCER TIPSORD: No one has come to
9 testify today, so we'll conclude the hearing.

10 But I did speak to the agency off the
11 record and, by rule, the public comment period is to
12 be 14 days from the date of the transcript as
13 received by the Board, unless the Hearing Officer
14 establishes a different date.

15 After consultation with the agency, and
16 given the request for expedited consideration, we're
17 going to close the public comment period on
18 September 9th, 2015.

19 Now that may well still be -- the 14 days
20 may be worked in there, given the short transcript;
21 but technically, the court reporter does have 10
22 working days to get to the to us. Five working day.
23 She just corrected me.

24 We'll go ahead with September 9th to

1 conclude the public comment period, and I'll do a
2 Hearing Officer Order to that effect as well, so
3 persons who might be interested that did not attend
4 the hearing will be aware of that.

5 And is there anything else?

6 (No response.)

7 HEARING OFFOCER TIPSORD: Seeing nothing else,
8 we will adjourn. Thank you, everyone.

9 (WHICH WERE ALL THE PROCEEDINGS HAD.)

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1 STATE OF ILLINOIS)
) SS:
 2 COUNTY OF C O O K)

3 Pamela A. Marzullo, C.S.R., being first duly sworn
 4 on oath, says that she is a court reporter doing business in
 5 the city of Chicago; that she reported in shorthand the
 6 proceedings had at the foregoing trial of the
 7 above-mentioned cause; that the foregoing is a true and
 8 correct transcript of her shorthand notes, so taken as
 9 aforesaid, and contains all the proceedings had at the said
 10 trial.

11 _____
 12 PAMELA A. MARZULLO
 License No. 084-001624

13 SUBSCRIBED AND SWORN TO
 14 before me this _____ day
 15 of _____ 2015.

16 _____
 17 Notary Public

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OFFOCER 3:1 3:23 5:3,13,16 6:17,21 7:3,8 8:7 opened 6:5 opening 5:5 6:4 opinion 6:7 Opportunity 4:5 Order 8:2 original 6:12,15 6:16	4:1 pursuant 1:9	second 1:10 4:1 Section 4:2,3,17 5:19,21 6:2 sections 6:5 Seeing 5:3 6:21 8:7 September 7:18 7:24 serve 3:3 short 7:20 shorthand 9:5,8 speak 7:10 spoke 7:5 SS 9:1 Standards 1:4 3:5 STATE 9:1 statement 5:5 Street 1:10 study 4:6,9,10 4:13,14,20 5:1 SUBSCRIBED 9:13 substance 5:20 6:10 Supply 5:11 sure 5:7 6:14,22 swear 5:4 sworn 5:14,15 9:3,13	3:1,2,23 5:3,13 5:16 6:17,21 7:3,8 8:7 today 3:7,15,21 7:9 today's 4:1 tomorrow's 6:1 transcript 7:12 7:20 9:8 trial 9:6,10 true 9:7 twofold 3:15	1:00 1:9 10 7:21 100 1:10 12th 3:18 14 7:12,19 16 4:22 17.5 5:21 6:2 19th 1:2,9
P	Q	R	U	2
p.m 1:9 Pamela 9:3,11 perform 5:1 period 7:11,17 8:1 persons 8:3 please 5:14 POLLUTION 1:1 2:2 pose 6:14 prefiled 3:19 prefiling 3:17 present 2:7 6:6 Presiding 3:8 Primary 1:4 3:4 prior 4:7 problem 6:14 proceed 6:7 proceeding 3:4 proceedings 1:8 8:9 9:6,9 produce 4:10 proposal 6:2,12 proposed 4:6,10 4:16 Protection 4:3 5:9,12 prudent 5:23 public 4:14,15 5:11 6:2 7:11 7:17 8:1 9:16 purpose 3:15	received 3:18 4:23 7:13 Recess 7:2 record 3:20,23 6:22,24 7:1,4,4 7:6,11 reference 6:5 reflect 6:15 regulation 6:16 Report 1:8 reported 9:5 reporter 7:21 9:4 request 4:4,9 7:16 requested 4:18 requirement 4:2 requires 4:4 response 3:22 4:22,23 5:2,22 6:20 7:7 8:6 Rex 5:7 right 3:9,12,13 rule 7:11 rulemaking 1:4 3:6 4:21 5:20 5:23,24 6:4,6 6:10 rules 4:6,7,11,16 ruling 6:3	Standard 3:14 STATE 9:1 statement 5:5 Street 1:10 study 4:6,9,10 4:13,14,20 5:1 SUBSCRIBED 9:13 substance 5:20 6:10 Supply 5:11 sure 5:7 6:14,22 swear 5:4 sworn 5:14,15 9:3,13	Unit 3:14	20 4:15 2015 1:2,9 3:18 4:19,23 7:18 9:15 27B 4:2,3,17
V	S	T	W	3
view 6:4	satisfy 4:2 says 9:4	taken 7:2 9:8 Technical 3:14 technically 7:21 ten 6:22 testify 3:21 6:23 7:6,9 testimony 3:16 3:19,24 Thank 6:17 7:1 8:8 think 6:14 time 3:24 Tipsord 1:11 2:3	view 6:4	35 1:5 3:5
X			W	4
Y			want 5:5 7:5 wants 6:23 Water 1:4,4 3:5 5:11 we'll 6:24 7:3,9 7:24 we're 7:1,16 West 1:10 wish 4:24 wishes 3:20 witness 5:4 6:19 witnesses 3:16 worked 7:20 working 7:22,22	45 4:9 4th 4:18
Z			Zalewski 2:4 3:11	5
0			084-001624 9:12	6
1				611 1:5 3:5 611-901 5:19 611-904 5:19 611-908 5:19
				7
				8
				9
				9th 7:18,24