

ILLINOIS POLLUTION CONTROL BOARD  
April 16, 2020

IN THE MATTER OF: )  
)  
AMENDMENTS TO DEFINITION OF ) R20-17  
"CLASS 4 ETIOLOGIC AGENT", 35 ILL. ) (Rulemaking - Land)  
ADM. CODE 1420.102 )

**NOTICE OF HEARING**

DATES, TIMES, AND LOCATIONS:

FIRST HEARING: Thursday October 15, 2020, beginning at 12:00 PM

BY VIDEOCONFERENCE BETWEEN

BOARD CHICAGO HEARING ROOM  
Room 11-512  
James R. Thompson Center  
100 W. Randolph Street

BOARD SPRINGFIELD HEARING ROOM  
Conference Room 1244N, 1st Floor  
1021 N. Grand Ave. E.  
North Entrance

Due to the Coronavirus Disease (COVID-19), and the Executive Orders in effect at the time of this notice, the Board is introducing an additional platform to encourage participation and public safety. If anybody has questions please contact the Hearing Officer, Chloe Cummings, at 312-814-3665, or by email at [Chloe.Cummings@Illinois.Gov](mailto:Chloe.Cummings@Illinois.Gov). If there are connection issues, please contact Marie Tipsord at 312-814-4925.

BY COMPUTER

Click this link:

<https://meetingsamer7.webex.com/meetingsamer7/j.php?MTID=m332d4d3ae2510a937373d5916488d90e>

This will take you to the Webex page for the hearing. Enter your information and click the "Join Now" button. You may be prompted for a Meeting Number or Password which can be found below.

BY PHONE

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.

Call US Toll: 1-312-535-8110, or US Toll: 1-415-655-0002 and when prompted enter the meeting number, below.

Meeting Number: 126 594 7786  
Meeting Password: UHre2Mjqy95

SECOND HEARING: Thursday, November 5, 2020, beginning at 12:00 PM

BY VIDEOCONFERENCE BETWEEN

BOARD CHICAGO HEARING ROOM  
Room 11-512  
James R. Thompson Center  
100 W. Randolph Street

BOARD SPRINGFIELD HEARING ROOM  
Conference Room 1244N, 1st Floor  
1021 N. Grand Ave. E.  
North Entrance

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BY COMPUTER Click this link:

<https://meetingsamer7.webex.com/meetingsamer7/j.php?MTID=m682716805bcb6dcaec31db0c1b4d777d>

This will take you to the Webex page for the hearing. Enter your information and click the “Join Now” button. You may be prompted for a Meeting Number or Password which can be found below.

BY PHONE

Call US Toll: 1-312-535-8110, or US Toll: 1-415-655-0002 and when prompted enter the meeting number, below.

Meeting Number: 126 992 9843  
Meeting Password: uGjgA938mT

PURPOSE OF HEARINGS: Merit and Economic

PRESIDING BOARD MEMBER: Anastasia Palivos

HEARING OFFICER: Chloe Cummings

### **HEARING OFFICER ORDER**

In the early 1990s, the General Assembly found that potentially infectious medical waste (PIMW), if not handled properly, may constitute an environmental or public health problem. 415 ILCS 5/56(a) (2018). To reduce these potential risks, the General Assembly enacted Title XV of the Environmental Protection Act (Act), establishing requirements for handling PIMW responsibly. 415 ILCS 5/56(b) (2018). Title XV mandated that the Board adopt regulations prescribing design and operating standards for all PIMW treatment, storage, and transfer facilities. 415 ILCS 5/56.2(a) (2018). Following this mandate, the Board in 1992 and 1993 adopted regulations applicable to all persons who generate, transport, treat, store, or dispose of PIMW. *See* 35 Ill. Adm. Code 1420, 1421, 1422.

On December 19, 2019, the Board proposed amendments to update its definition of “Class 4 etiologic agent,” which bears on the definition of PIMW. The Act requires these amendments to reflect the addition of four viral agents. Today, dates are set for two hearings in this proceeding.

### **Hearings and Pre-Filed Testimony**

The Board will conduct two hearings to allow IEPA and any other interested participants to testify and comment on the merits and economic impact of the proposed rule. *See* 415 ILCS 5/28(a) (2018); 35 Ill. Adm. Code 102.412(a).

Participants pre-filing testimony for either of the two hearings are directed to serve it on all persons on the Service List at the time of pre-filing. *See* 35 Ill. Adm. Code 102.424(c). Before filing any document with the Board’s Clerk, please obtain the current version of the Service List through COOL on the Board’s Web site ([pcb.illinois.gov](http://pcb.illinois.gov)) or by calling the Clerk’s Office at 312-814-3461. Documents may generally be served 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 e-mail service of documents. *See* 35 Ill. Adm. Code 101.1070(a).

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

For a videoconference hearing, 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 admitted as an exhibit at the hearing but may be filed as a public comment after the hearing. *Id.*

Participants wishing to offer a public comment will be allowed to do so as time allows before the end of a hearing. Participants may also file post-hearing comments. *See* 35 Ill. Adm. Code 102.108(b).

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.

### **First Hearing**

Participants who intend to testify at the first hearing are directed to pre-file all their testimony and related exhibits no later than Thursday, September 24, 2020. *See* 35 Ill. Adm. Code 102.424(a).

Although Section 27 of the Act (415 ILCS 5/27 (2018)) does not set the order of the hearing, the hearing officer will begin the first hearing with witnesses who pre-filed testimony for it. *See* 35 Ill. Adm. Code 102.428(c). After those witnesses have testified, participants who do not pre-file testimony may testify as time allows after the Board completes the pre-filed testimony and questions based on it.

### **Second Hearing**

Participants who intend to testify at the second hearing are directed to pre-file all their testimony and related exhibits no later than Thursday, October 15, 2020. *See* 35 Ill. Adm. Code 102.424(a).

The hearing officer will begin the second hearing 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 testimony for the second hearing will present that testimony and respond to questions. Participants who did not pre-file testimony for the second hearing will be allowed to testify and respond to questions as time permits. *See* 35 Ill. Adm. Code 104.424(g).

### **Service and Notice Lists**

The Board has established and will maintain both a Notice List and Service List for this proceeding. *See* 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. 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. *See* 35 Ill. Adm. Code 102.422(b).

Note that any interested person may request electronic notice of filings by providing an e-mail address through COOL under this docket number R20-17. 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 web site.

IT IS SO ORDERED.

Chloe Cummings, Hearing Officer  
Illinois Pollution Control Board  
100 W. Randolph St., Suite 11-500  
Chicago, Illinois 60601  
312-814-3665  
[chloe.cummings@illinois.gov](mailto:chloe.cummings@illinois.gov)