

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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

HEARING

BE IT REMEMBERED AND CERTIFIED that
on the 15th day of October, A.D. 2020, the
following proceedings were held in the above
entitled cause by the Illinois Pollution
Control Board, taken by Diane M. Nulick,
C.S.R., via WebEx videoconference commencing at
12:04 p.m.

HEARING OFFICER:

ILLINOIS POLLUTION CONTROL BOARD,
BY: MS. CHLOE CUMMINGS,
chloe.cummings@illinois.gov,
(100 West Randolph Street, Suite 11-500,
Chicago, Illinois 60601,
(312) 814-3665),

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A P P E A R A N C E S

BOARD CHICAGO HEARING ROOM:

(James R. Thompson Center,
100 West Randolph Street, Room 11-512,
Chicago, Illinois)

MS. CHLOE CUMMINGS, Hearing Officer,
MS. MARIE TIPSORD,
MR. TIM FOX,

BOARD SPRINGFIELD HEARING ROOM:

(James R. Thompson Center,
1021 North Grand Avenue E, North Entrance,
Conference Room 1244N, 1st Floor,
Springfield, Illinois)

MS. SHANNON BILBRUCK,

BOARD MEMBERS:

MS. ANASTASIA PALIVOS,
Presiding Board Member,
CHAIR BARBARA FLYNN CURRIE,
MS. JENNIFER VAN WIE,

ALSO PRESENT:

MR. AMAND RAO,
MS. NANCY TIKALSKY,
MR. PAUL GRABOWSKI,
MS. VANESSA HORTON,
MR. BRAD HALLORAN,
MR. DANIEL PAULY,

1 HEARING OFFICER: Hello, everyone.
2 Good morning and welcome to this Illinois
3 Pollution Control Board hearing. I'm Chloe
4 Cummings, and I'm the hearing officer for this
5 rule making proceeding entitled, Amendments to
6 the Definition of Class 4 Etiologic Agent, 35
7 Illinois Administrative Code 1420.102. The
8 board docket number for this rule making is
9 R20-17. Also present today from the board are
10 three board members, the Presiding Board Member
11 Anastasia Palivos, Chair Currie, and Jennifer
12 Van Wie. The board staff present in the
13 Chicago office is General Counsel Tipsord and
14 Attorney Advisor Tim Fox. And in the
15 Springfield hearing room, we have Shannon
16 Bilbruck, and on WebEx, Vanessa Horton, Anand
17 Rao, Daniel Pauly, Hearing Officer Brad
18 Halloran, and Paul Grabowski. The hearing is
19 governed by the board's procedural rules. All
20 information that is relevant and that is not
21 repetitious or privileged will be admitted into
22 the record. Please bear in mind that any
23 questions that are posed to the board and its
24 staff are intended solely to help develop a

1 clear and complete record for the board's
2 decision, and these questions do not reflect
3 any decision on the proposal, any testimony, or
4 other questions.

5 And in addition to the video
6 conferencing, we are allowing WebEx
7 participation via computer and phone. As a
8 reminder, pre-filed testimony is available to
9 view on our Clerk's Office On Line or COOL for
10 the board's website. Simply search the docket
11 number R20-17.

12 Also please speak clearly and
13 avoid speaking at the same time as another
14 person so that we can all produce a clear
15 transcript and help out the court reporter.
16 For everyone participating on WebEx, either on
17 the phone or using the call me feature for
18 sound, if you wish to speak, please take
19 yourself off of speaker phone and talk into the
20 phone as it will produce a much clearer sound.
21 If you wish to speak, you will also have to
22 unmute yourself. All individuals entering the
23 WebEx feed are actually muted upon entry. For
24 everyone on a computer, you can click the

1 microphone symbol at the bottom of your screen
2 to unmute yourself.

3 I would also like to note
4 that there is a slight delay in the WebEx, so
5 please be mindful of that when communicating
6 with each other. Also, as a result of using
7 WebEx, we are recording today's hearing to
8 ensure our court reporter is able to get an
9 accurate transcript. Once the board receives
10 the transcript, this recording will be
11 destroyed.

12 On December 19, 2019, the
13 board proposed amendments to update the
14 Definition of Class 4 Etiologic Agent. The
15 board also published notice of this hearing on
16 September 18, 2020, in the Chicago Sun Times
17 and on September 19, 2020, in the State Journal
18 Register. On September 16, 2020, the hearing
19 officer directed participants intending to
20 testify at this hearing to pre-file all of
21 their testimony by September 24, 2020. The
22 board has received no pre-filed testimony.

23 Is there anyone here today
24 who would like to testify and did not pre-file

1 testimony? Okay. Hearing none, I will move
2 on.

3 Is there anyone present who
4 would like to offer any public comment on the
5 board's proposal? Hearing and seeing none, I
6 will move on.

7 Are there any questions or
8 any matters on which the agency would like to
9 file any response?

10 MS. TIPSORD: She's muted.

11 HEARING OFFICER: Okay.

12 Nancy, if you're trying to
13 speak to us, you're muted, and I cannot unmute
14 you as the host. There you go.

15 MS. TIKALSKY: I don't want to
16 speak.

17 HEARING OFFICER: Okay. No problem.
18 We just wanted to make sure. Okay. I will
19 move on.

20 There's a pre-filing deadline
21 of October 15, 2020, for the second hearing,
22 which will be on the 5th of November, 2020.
23 Any copies of the transcript of today's hearing
24 are expected to be available no later than

1 Thursday October 22, 2020. After the board
2 receives the transcript, it will be posted to
3 COOL from which it can be reviewed and printed.

4 Are there any other matters
5 that need to be addressed at this time?
6 Hearing and seeing none, I would like to thank
7 everyone for participating today, and the first
8 hearing is adjourned. Thank you, guys.

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10 (Which were all of the
11 proceedings had in the
12 above-entitled matter.)

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1 STATE OF ILLINOIS)
2) SS:
3 COUNTY OF C O O K)
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5 I, DIANE M. NULICK, a Certified
6 Shorthand Reporter of the State of Illinois, do
7 hereby certify that I reported in shorthand the
8 proceedings had at the hearing aforesaid, and
9 that the foregoing is a true, complete and
10 correct transcript of the proceedings of said
11 hearing as appears from my stenographic notes
12 so taken and transcribed under my personal
13 direction.

14 IN WITNESS WHEREOF, I do hereunto set
15 my hand and affix my seal of office at Chicago,
16 Illinois, this 15th day of October, 2020.
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21 _____
22 Certified Shorthand Reporter

23 C.S.R. Certificate No. 084-002029.
24

<hr/> A <hr/> A.D 1:11 able 5:8 above-entitled 7:12 accurate 5:9 addition 4:5 addressed 7:5 adjourned 7:8 ADM 1:5 Administrative 3:7 admitted 3:21 Advisor 3:14 affix 8:15 aforsaid 8:8 agency 6:8 Agent 1:5 3:6 5:14 allowing 4:6 AMAND 2:17 amendments 1:4 3:5 5:13 Anand 3:16 Anastasia 2:13 3:11 appears 8:11 Attorney 3:14 available 4:8 6:24 Avenue 2:9 avoid 4:13 <hr/> B <hr/> BARBARA 2:14 bear 3:22 Bilbruck 2:11 3:16 board 1:2,14,19 2:3,8,12,14 3:3 3:8,9,10,10,12 3:23 5:9,13,15 5:22 7:1 board's 3:19 4:1 4:10 6:5 bottom 5:1	Brad 2:19 3:17 <hr/> C <hr/> C 2:1 8:3 C.S.R 1:15 8:23 call 4:17 cause 1:13 Center 2:3,8 Certificate 8:23 Certified 1:10 8:5 8:21 certify 8:7 Chair 2:14 3:11 Chicago 1:21 2:3 2:4 3:13 5:16 8:15 Chloe 1:19 2:5 3:3 chloe.cumming... 1:20 Class 1:5 3:6 5:14 clear 4:1,14 clearer 4:20 clearly 4:12 Clerk's 4:9 click 4:24 Code 1:6 3:7 commencing 1:15 comment 6:4 communicating 5:5 complete 4:1 8:9 computer 4:7,24 Conference 2:9 conferencing 4:6 Control 1:2,14,19 3:3 COOL 4:9 7:3 copies 6:23 correct 8:10 Counsel 3:13 COUNTY 8:3 court 4:15 5:8 Cummings 1:19 2:5 3:4 Currie 2:14 3:11	<hr/> D <hr/> Daniel 2:20 3:17 day 1:11 8:16 deadline 6:20 December 5:12 decision 4:2,3 Definition 1:4 3:6 5:14 delay 5:4 destroyed 5:11 develop 3:24 Diane 1:14 8:5 directed 5:19 direction 8:13 docket 3:8 4:10 <hr/> E <hr/> E 2:1,1,9 either 4:16 ensure 5:8 entering 4:22 entitled 1:13 3:5 Entrance 2:9 entry 4:23 Etiologic 1:5 3:6 5:14 expected 6:24 <hr/> F <hr/> feature 4:17 feed 4:23 file 6:9 first 7:7 Floor 2:9 FLYNN 2:14 following 1:12 foregoing 8:9 Fox 2:6 3:14 <hr/> G <hr/> General 3:13 go 6:14 Good 3:2 governed 3:19 Grabowski 2:18 3:18	Grand 2:9 guys 7:8 <hr/> H <hr/> Halloran 2:19 3:18 hand 8:15 hearing 1:8,18 2:3 2:5,8 3:1,3,4,15 3:17,18 5:7,15 5:18,20 6:1,5,11 6:17,21,23 7:6,8 8:8,11 held 1:12 Hello 3:1 help 3:24 4:15 hereunto 8:14 Horton 2:19 3:16 host 6:14 <hr/> I <hr/> ILL 1:5 Illinois 1:2,13,19 1:21 2:4,10 3:2 3:7 8:1,6,16 individuals 4:22 information 3:20 intended 3:24 intending 5:19 <hr/> J <hr/> James 2:3,8 Jennifer 2:15 3:11 Journal 5:17 <hr/> K <hr/> K 8:3 <hr/> L <hr/> Land 1:5 Line 4:9 <hr/> M <hr/> M 1:14 8:5 making 3:5,8 MARIE 2:6	matter 1:3 7:12 matters 6:8 7:4 Member 2:14 3:10 members 2:12 3:10 microphone 5:1 mind 3:22 mindful 5:5 morning 3:2 move 6:1,6,19 muted 4:23 6:10 6:13 <hr/> N <hr/> N 2:1 Nancy 2:18 6:12 need 7:5 North 2:9,9 note 5:3 notes 8:11 notice 5:15 November 6:22 Nulick 1:14 8:5 number 3:8 4:11 <hr/> O <hr/> O 8:3,3 October 1:11 6:21 7:1 8:16 offer 6:4 office 3:13 4:9 8:15 officer 1:18 2:5 3:1,4,17 5:19 6:11,17 Okay 6:1,11,17,18 Once 5:9 <hr/> P <hr/> P 2:1,1 p.m 1:16 Palivos 2:13 3:11 participants 5:19 participating 4:16 7:7
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<p>participation 4:7 Paul 2:18 3:18 Pauly 2:20 3:17 person 4:14 personal 8:12 phone 4:7,17,19 4:20 please 3:22 4:12 4:18 5:5 Pollution 1:2,13 1:19 3:3 posed 3:23 posted 7:2 pre-file 5:20,24 pre-filed 4:8 5:22 pre-filing 6:20 present 2:16 3:9 3:12 6:3 Presiding 2:14 3:10 printed 7:3 privileged 3:21 problem 6:17 procedural 3:19 proceeding 3:5 proceedings 1:12 7:11 8:8,10 produce 4:14,20 proposal 4:3 6:5 proposed 5:13 public 6:4 published 5:15</p> <hr/> <p style="text-align: center;">Q</p> <p>questions 3:23 4:2 4:4 6:7</p> <hr/> <p style="text-align: center;">R</p> <p>R 2:1,3,8 R20-17 1:4 3:9 4:11 Randolph 1:20 2:4 Rao 2:17 3:17 received 5:22 receives 5:9 7:2</p>	<p>record 3:22 4:1 recording 5:7,10 reflect 4:2 Register 5:18 relevant 3:20 REMEMBERED 1:10 reminder 4:8 repetitious 3:21 reported 8:7 reporter 4:15 5:8 8:6,21 response 6:9 result 5:6 reviewed 7:3 room 2:3,4,8,9 3:15 rule 3:5,8 Rulemaking 1:5 rules 3:19</p> <hr/> <p style="text-align: center;">S</p> <p>S 2:1 screen 5:1 seal 8:15 search 4:10 second 6:21 seeing 6:5 7:6 September 5:16 5:17,18,21 set 8:14 Shannon 2:11 3:15 shorthand 8:6,7 8:21 Simply 4:10 slight 5:4 solely 3:24 sound 4:18,20 speak 4:12,18,21 6:13,16 speaker 4:19 speaking 4:13 Springfield 2:8,10 3:15</p>	<p>SS 8:2 staff 3:12,24 State 5:17 8:1,6 stenographic 8:11 Street 1:20 2:4 Suite 1:20 Sun 5:16 sure 6:18 symbol 5:1</p> <hr/> <p style="text-align: center;">T</p> <p>take 4:18 taken 1:14 8:12 talk 4:19 testify 5:20,24 testimony 4:3,8 5:21,22 6:1 thank 7:6,8 Thompson 2:3,8 three 3:10 Thursday 7:1 TIKALSKY 2:18 6:15 Tim 2:6 3:14 time 4:13 7:5 Times 5:16 Tipsord 2:6 3:13 6:10 today 3:9 5:23 7:7 today's 5:7 6:23 transcribed 8:12 transcript 4:15 5:9,10 6:23 7:2 8:10 true 8:9 trying 6:12</p> <hr/> <p style="text-align: center;">U</p> <p>unmute 4:22 5:2 6:13 update 5:13</p> <hr/> <p style="text-align: center;">V</p> <p>Van 2:15 3:12 Vanessa 2:19 3:16 video 4:5</p>	<p>videoconference 1:15 view 4:9</p> <hr/> <p style="text-align: center;">W</p> <p>want 6:15 wanted 6:18 WebEx 1:15 3:16 4:6,16,23 5:4,7 website 4:10 welcome 3:2 West 1:20 2:4 WHEREOF 8:14 Wie 2:15 3:12 wish 4:18,21 WITNESS 8:14</p> <hr/> <p style="text-align: center;">X</p> <hr/> <p style="text-align: center;">Y</p> <hr/> <p style="text-align: center;">Z</p> <hr/> <p style="text-align: center;">0</p> <p>084-002029 8:23</p> <hr/> <p style="text-align: center;">1</p> <p>100 1:20 2:4 1021 2:9 11-500 1:20 11-512 2:4 12:04 1:16 1244N 2:9 1420.102 1:6 3:7 15 6:21 15th 1:11 8:16 16 5:18 18 5:16 19 5:12,17 1st 2:9</p> <hr/> <p style="text-align: center;">2</p> <p>2019 5:12 2020 1:11 5:16,17 5:18,21 6:21,22 7:1 8:16 22 7:1</p>	<p>24 5:21</p> <hr/> <p style="text-align: center;">3</p> <p>312 1:21 35 1:5 3:6</p> <hr/> <p style="text-align: center;">4</p> <p>4 1:5 3:6 5:14</p> <hr/> <p style="text-align: center;">5</p> <p>5th 6:22</p> <hr/> <p style="text-align: center;">6</p> <p>60601 1:21</p> <hr/> <p style="text-align: center;">7</p> <hr/> <p style="text-align: center;">8</p> <p>814-3665 1:21</p>
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