

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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

HEARING

BE IT REMEMBERED AND CERTIFIED that on
the 5th day of November, 2020, the following
proceedings were held in the above-entitled
cause by the Illinois Pollution Control Board,
taken by Donna Wadlington Shavers, CSR, via
WebEx videoconference, commencing at
approximately 1:36 p.m.

HEARING OFFICER:

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

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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 60601

MS. CHLOE CUMMINGS, Hearing Officer
MR. TIM FOX

BOARD SPRINGFIELD HEARING ROOM:
James R. Thompson Center
1021 North Grand Avenue E
Springfield, Illinois 62702

MS. SHANNON BILBRUCK

BOARD MEMBERS:

MS. ANASTASIA PALIVOS

MS. JENNIFER VAN WIE

1 HEARING OFFICER CUMMINGS: Hello,
2 everyone. Good afternoon and welcome to this
3 Illinois Pollution Control Board Hearing.

4 I'm Chloe Cummings, and I'm
5 the Hearing Officer for this rule-making
6 proceeding entitled Amendments to the Definition
7 of Class 4 Etiologic Agent, 35 Illinois
8 Administrative Code 1420.102. The Board Docket
9 Number for this rule-making is R20-17.

10 Also present today from the
11 board are two board members, Anastasia Palivos
12 and Jennifer Van Wie. In the Chicago office the
13 board staff that are present is going to be Tim
14 Fox here with me and in the Springfield hearing
15 room we have Shannon Bilbruck and on the WebEx
16 we have Clerk Brown.

17 This hearing is governed by
18 the Board's procedural rules. All information
19 that is relevant and is not repetitious or
20 privileged will be admitted into the record.

21 Please bear in mind that any
22 questions that are posed today are intended
23 solely to help develop a clear and complete
24 record for the Board's decision, and they do not

1 reflect any decision on the proposal, any
2 testimony or other questions.

3 In addition to the video
4 conferencing, we are allowing WebEx on computer
5 and phone. As a reminder pre-filed testimony is
6 available to view on our clerk's office on line
7 or COOL through the Board's website. Simply
8 search the Docket Number R20-17.

9 Please speak clearly and avoid
10 speaking at the same time as another person so
11 that we can help to produce a clear transcript.

12 Anyone participating either on
13 the phone or on line or using the call me
14 feature for sound, if you wish to speak, please
15 take your phone off of speakerphone and talk
16 into the phone normally, as it will produce a
17 much clearer sound. If you wish to speak, you
18 will also have to unmute yourself.

19 All individuals entering the
20 WebEx feed are muted upon entry. Anyone on a
21 computer you can click the microphone symbol at
22 the bottom of your screen to unmute yourself.
23 Anyone using a phone you must press star 6 on
24 your keypad to unmute yourself.

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

9 On December 19, 2019, the
10 Board proposed amendments to update the
11 Definition of Class 4 Etiologic Agent. The
12 Board also published a notice of this hearing on
13 September 18, 2020, in the Chicago Sun-Times and
14 on September 19, 2020, in the State Journal
15 Register.

16 On September 16, 2020, the
17 Hearing Officer asked the participants intending
18 to testify at this hearing to pre-file all their
19 testimony, and the Board has received no
20 pre-filed testimony.

21 Is there anyone here who would
22 like to testify today who did not pre-file
23 testimony?

24 (No response.)

1 Hearing and seeing none, I
2 will move on.

3 Is there anyone present who
4 would like to offer any sort of public comment
5 on the Board's proposal and has not yet already
6 done so?

7 (No response.)

8 Hearing and seeing none, I
9 will move on.

10 Any copy of the transcript of
11 today's hearing is expected to be available no
12 later than Thursday, November 12th, 2020. After
13 the Board receives the transcript, it will be
14 posted to COOL from which it can be viewed and
15 also printed.

16 Are there any other matters
17 that we need to address at this time?

18 (No response.)

19 Hearing and seeing none, I
20 would like to thank everyone.

21 This is the second and final
22 hearing, and it's now adjourned. Thank you.

23 (WHEREUPON, the hearing was
24 concluded at 1:40 p.m.)

1 STATE OF ILLINOIS)
) ss:
2 COUNTY OF C O O K)
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5 I, DONNA WADLINGTON SHAVERS, a
6 Certified Shorthand Reporter, doing business in
7 the State of Illinois, do hereby certify that I
8 reported in machine shorthand the proceedings in
9 the above entitled cause.

10 I further certify that the
11 foregoing is a true and correct transcript of
12 said proceedings as appears from the
13 stenographic notes so taken and transcribed by
14 me this 12th day of November, 2020.

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DONNA WADLINGTON SHAVERS
CSR #084-02443

<p style="text-align: center;">A</p> <p>able 5:6 above-entitled 1:12 accurate 5:7 addition 4:3 address 6:17 adjourned 6:22 Administrative 1:5 3:8 admitted 3:20 afternoon 3:2 Agent 1:5 3:7 5:11 allowing 4:4 amendments 1:4 3:6 5:10 Anastasia 2:14 3:11 appears 7:12 approximately 1:16 asked 5:17 available 4:6 6:11 Avenue 2:9 avoid 4:9</p> <hr/> <p style="text-align: center;">B</p> <p>bear 3:21 Bilbruck 2:11 3:15 board 1:1,13,19 2:3,8,13 3:3,8 3:11,11,13 5:7 5:10,12,19 6:13 Board's 3:18,24 4:7 6:5 bottom 4:22 Brown 3:16 business 7:6</p> <hr/> <p style="text-align: center;">C</p> <p>C 2:1 7:2 call 4:13 cause 1:13 7:9</p>	<p>Center 2:3,8 Certified 1:10 7:6 certify 7:7,10 Chicago 1:20 2:3 2:4 3:12 5:13 Chloe 1:19 2:6 3:4 chloe.cumming... 1:21 Class 1:4 3:7 5:11 clear 3:23 4:11 clearer 4:17 clearly 4:9 Clerk 3:16 clerk's 4:6 click 4:21 Code 1:5 3:8 commencing 1:15 comment 6:4 communicating 5:3 complete 3:23 computer 4:4,21 concluded 6:24 conferencing 4:4 Control 1:1,13,19 3:3 COOL 4:7 6:14 copy 6:10 correct 7:11 COUNTY 7:2 court 5:6 CSR 1:14 7:18 Cummings 1:19 2:6 3:1,4</p> <hr/> <p style="text-align: center;">D</p> <p>day 1:11 7:14 December 5:9 decision 3:24 4:1 Definition 1:4 3:6 5:11 delay 5:2 destroyed 5:8 develop 3:23 Docket 3:8 4:8</p>	<p>doing 7:6 Donna 1:14 7:5 7:18</p> <hr/> <p style="text-align: center;">E</p> <p>E 2:1,1,9 either 4:12 ensure 5:6 entering 4:19 entitled 3:6 7:9 entry 4:20 Etiologic 1:4 3:7 5:11 expected 6:11</p> <hr/> <p style="text-align: center;">F</p> <p>feature 4:14 feed 4:20 final 6:21 following 1:11 foregoing 7:11 Fox 2:6 3:14 further 7:10</p> <hr/> <p style="text-align: center;">G</p> <p>going 3:13 Good 3:2 governed 3:17 Grand 2:9</p> <hr/> <p style="text-align: center;">H</p> <p>hearing 1:8,18 2:3 2:6,8 3:1,3,5,14 3:17 5:5,12,17 5:18 6:1,8,11,19 6:22,23 held 1:12 Hello 3:1 help 3:23 4:11</p> <hr/> <p style="text-align: center;">I</p> <p>IL 1:20 Illinois 1:1,5,13 1:19 2:4,9 3:3,7 7:1,7 individuals 4:19</p>	<p>information 3:18 intended 3:22 intending 5:17</p> <hr/> <p style="text-align: center;">J</p> <p>James 2:3,8 Jennifer 2:15 3:12 Journal 5:14</p> <hr/> <p style="text-align: center;">K</p> <p>K 7:2 keypad 4:24</p> <hr/> <p style="text-align: center;">L</p> <p>line 4:6,13</p> <hr/> <p style="text-align: center;">M</p> <p>machine 7:8 MATTER 1:3 matters 6:16 members 2:13 3:11 microphone 4:21 mind 3:21 mindful 5:3 move 6:2,9 muted 4:20</p> <hr/> <p style="text-align: center;">N</p> <p>N 2:1 need 6:17 normally 4:16 North 2:9 note 5:1 notes 7:13 notice 5:12 November 1:11 6:12 7:14 Number 3:9 4:8</p> <hr/> <p style="text-align: center;">O</p> <p>O 7:2,2 offer 6:4 office 3:12 4:6 Officer 1:18 2:6 3:1,5 5:17</p>	<p>Once 5:7</p> <hr/> <p style="text-align: center;">P</p> <p>P 2:1,1 p.m 1:16 6:24 Palivos 2:14 3:11 participants 5:17 participating 4:12 person 4:10 phone 4:5,13,15 4:16,23 please 3:21 4:9,14 5:3 Pollution 1:1,13 1:19 3:3 posed 3:22 posted 6:14 pre-file 5:18,22 pre-filed 4:5 5:20 present 3:10,13 6:3 press 4:23 printed 6:15 privileged 3:20 procedural 3:18 proceeding 3:6 proceedings 1:12 7:8,12 produce 4:11,16 proposal 4:1 6:5 proposed 5:10 public 6:4 published 5:12</p> <hr/> <p style="text-align: center;">Q</p> <p>questions 3:22 4:2</p> <hr/> <p style="text-align: center;">R</p> <p>R 2:1,3,8 R20-17 1:4 3:9 4:8 Randolph 1:20 2:4 received 5:19 receives 5:7 6:13 record 3:20,24</p>
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<p> recording 5:5,8 reflect 4:1 Register 5:15 relevant 3:19 REMEMBERED 1:10 reminder 4:5 repetitious 3:19 reported 7:8 reporter 5:6 7:6 response 5:24 6:7 6:18 result 5:4 room 2:3,4,8 3:15 rule-making 3:5,9 Rulemaking-La... 1:5 rules 3:18 <hr/> <p style="text-align: center;">S</p> <hr/> <p> S 2:1 screen 4:22 search 4:8 second 6:21 seeing 6:1,8,19 September 5:13 5:14,16 Shannon 2:11 3:15 Shavers 1:14 7:5 7:18 shorthand 7:6,8 Simply 4:7 slight 5:2 solely 3:23 sort 6:4 sound 4:14,17 speak 4:9,14,17 speakerphone 4:15 speaking 4:10 Springfield 2:8,9 3:14 ss 7:1 staff 3:13 </p> </p>	<p> star 4:23 State 5:14 7:1,7 stenographic 7:13 Street 1:20 2:4 Suite 1:20 Sun-Times 5:13 symbol 4:21 <hr/> <p style="text-align: center;">T</p> <hr/> <p> take 4:15 taken 1:14 7:13 talk 4:15 testify 5:18,22 testimony 4:2,5 5:19,20,23 thank 6:20,22 Thompson 2:3,8 Thursday 6:12 Tim 2:6 3:13 time 4:10 6:17 today 3:10,22 5:22 today's 5:5 6:11 transcribed 7:13 transcript 4:11 5:7,8 6:10,13 7:11 true 7:11 two 3:11 <hr/> <p style="text-align: center;">U</p> <hr/> <p> unmute 4:18,22 4:24 update 5:10 <hr/> <p style="text-align: center;">V</p> <hr/> <p> Van 2:15 3:12 video 4:3 5:2,5 videoconference 1:15 view 4:6 viewed 6:14 <hr/> <p style="text-align: center;">W</p> <hr/> <p> Wadlington 1:14 7:5,18 </p> </p></p></p></p>	<p> WebEx 1:15 3:15 4:4,20 5:2,5 website 4:7 welcome 3:2 West 1:20 2:4 Wie 2:15 3:12 wish 4:14,17 <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> <hr/> <p> 084-02443 7:18 <hr/> <p style="text-align: center;">1</p> <hr/> <p> 1:36 1:16 1:40 6:24 100 1:20 2:4 1021 2:9 11-500 1:20 11-512 2:4 12th 6:12 7:14 1420.102 1:6 3:8 16 5:16 18 5:13 19 5:9,14 <hr/> <p style="text-align: center;">2</p> <hr/> <p> 2019 5:9 2020 1:11 5:13,14 5:16 6:12 7:14 <hr/> <p style="text-align: center;">3</p> <hr/> <p> 312 1:21 35 1:5 3:7 <hr/> <p style="text-align: center;">4</p> <hr/> <p> 4 1:4 3:7 5:11 <hr/> <p style="text-align: center;">5</p> <hr/> <p> 5th 1:11 <hr/> <p style="text-align: center;">6</p> <hr/> <p> 6 4:23 </p> </p></p></p></p></p></p></p>	<p> 60601 1:20 2:4 62702 2:9 <hr/> <p style="text-align: center;">7</p> <hr/> <p style="text-align: center;">8</p> <hr/> <p> 814-3665 1:21 </p> </p>
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