

ILLINOIS POLLUTION CONTROL BOARD  
July 15, 2021

IN THE MATTER OF: )  
)  
DRYCLEANER ENVIRONMENTAL )  
RESPONSE TRUST FUND ACT )  
PROPOSAL TO: )  
ADD 35 ILL. ADM. CODE PARTS ) R21-19  
1501.100 TO 1501.450, ) (Rulemaking – Land)  
REPEAL 35 ILL. ADM. CODE PARTS )  
1500.10 THROUGH 1500.70, AND )  
REPEAL 2 ILL. ADM. CODE PARTS )  
3100.10 THROUGH 3100.60 )

**NOTICE OF HEARING**

DATES, TIMES, AND PLACES:

September 9, 2021

10:00 AM  
Illinois Environmental Protection Agency  
Sangamon Room  
1021 N. Grand Ave. East  
Springfield, IL 62794

October 7, 2021

10:00 AM  
Room N-505  
Michael A. Bilandic Building  
160 N. LaSalle Street,  
Chicago, Illinois 60601

PURPOSE OF HEARING: Merit and Economic  
ATTENDING BOARD MEMBERS: Jennifer Van Wie  
HEARING OFFICER: Mark G. Kaminski

In compliance with the Americans with Disabilities Act and other applicable federal and State laws, the hearings 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.

## **HEARING OFFICER ORDER**

On March 18, 2021, the Board directed the assigned hearing officer to proceed to hearing under the rulemaking provisions of the Illinois Environmental Protection Act (Act) and the Board's procedural rules (415 ILCS 5/27. 28 (2018); 35 Ill. Admin. Code 102).

Today, dates are set for hearing in this proceeding. The first day of hearings, September 9, 2021, will be held in Springfield from 10:00 a.m. to 5:00 p.m. or until the business of the Board is concluded. The second day of hearings, October 7, 2021, will be held in Chicago from 10:00 a.m. until 5:00 p.m. or until the business of the Board is concluded.

### **Procedures for the Springfield Hearing**

The deadline to prefile testimony with the Board for the first hearing is July 29, 2021, by 4:30 p.m. (the time the Clerk's office stops accepting filings date stamped that day). Prefiled questions based on the prefiled testimony must be filed with the Board by 4:30 p.m. on August 19, 2021. If participants wish to prefile answers, those answers should be prefiled by September 2, 2021. If participants require a translator at the hearing, you may contact the hearing officer or the Clerk of the Board.

Procedurally, on the day of the hearing, the Board will hear all prefiled testimony before accepting public comment on the record. The order of the hearing will be set by the hearing officer based on the prefiled testimony for the hearing. A sign-up sheet will be available in the hearing room until 3 p.m. the day of the hearing for persons to sign up to provide public comment. In addition, anyone wishing to provide oral public comment during the hearing may notify the hearing officer up until September 8, 2021 by email or phone. If all prefiled testimony is completed, and no one is present at that time who wishes to make a public comment, the Board will conclude the hearing.

### **Procedures for Chicago Hearing**

The deadline to prefile testimony with the Board for the second hearing is September 23, 2021, by 4:30 p.m. (the time the Clerk's office stops accepting filings date stamped that day). Prefiled questions based on the prefiled testimony must be filed with the Board by 4:30 p.m. on September 30, 2021. If participants wish to prefile answers, those answers should be prefiled by October 4, 2020. If participants require a translator at the hearing, you may contact the hearing officer or the Clerk of the Board.

Procedurally, on the day of the hearing, the Board will hear all prefiled testimony before accepting public comment on the record. The order of the hearing will be set by the hearing officer based on the prefiled testimony for the hearing. A sign-up sheet will be available in the hearing room throughout the day for persons to sign up to provide public comment. In addition, anyone wishing to provide oral public comment during the hearing may notify the hearing officer up until October 7, 2021 by email or phone. If all prefiled testimony is completed, and no one is present at that time who wishes to make a public comment, the Board will conclude the hearing.

## **Illinois Environmental Protection Agency Oversight and Implementation of the Drycleaner Environmental Response Trust Fund Act**

On August 19, 1997, P.A. 90-502, known as the Drycleaner Environmental Response Trust Fund Act (“DERT Fund Act”), was signed into law creating the Drycleaner Environmental Response Trust Fund (“DERT Fund”) and establishing the Drycleaner Environmental Response Trust Fund Council (“Council”). *See* 415 ILCS 135/5. The DERT Fund Act prohibits a drycleaning facility in the State from operating without a license. On January 1, 2000, the Council adopted rules implementing the DERT Fund Act at 35 Ill. Adm. Code Part 1500.

Pursuant to the 2019 amendments to the DERT Fund Act, as of July 1, 2020, the Illinois Environmental Protection Agency (IEPA) has now been tasked by the Illinois General Assembly with providing oversight and implementation of the DERT Fund Act and administration of the DERT Fund. The Illinois EPA proposed this rule to replace the existing rules, incorporate the Illinois EPA’s authority, and clarify its duties and responsibilities under the DERT Fund Act. This proposed rule will replace the rules originally set in place by the Council. The Illinois EPA also proposes the simultaneous repeal of the Freedom of Information Act rules adopted by the Council since the Board and the IEPA already have such rules in place.

### **Section 27(b) Requirements**

These hearings will also fulfill the statutory obligations under Section 27(b) of the Act (415 ILCS 5/27(b) (2018)). Section 27(b) of the Act requires the Board to request the Department of Commerce and Economic Opportunity (DCEO) to conduct an economic impact study on certain proposed rules prior to adoption of those rules. If DCEO chooses to conduct the economic impact study, DCEO has 30 to 45 days after such request to produce a study of the economic impact of the proposed rules. The Board must then make the economic impact study, or DCEO’s explanation for not conducting the study, available to the public at least 20 days before a public hearing on the economic impact of the proposed rules. The Board sent DCEO the request on May 17, 2021. No response has been received by the Board as of the date of this order.

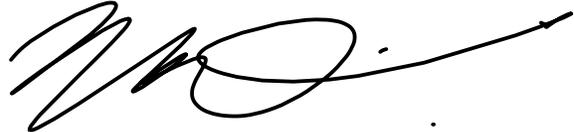
### **Written Public Comment**

Written public comment may be filed with the Board at any time until the conclusion of the comment period. That date will be announced by hearing officer order after the close of hearings. If you have any questions regarding written public comment you may contact the hearing officer or the Clerk of the Board.

**Availability of Filings**

All filings in this proceeding will be available on the Board's web page at [www.ipcb.state.il.us](http://www.ipcb.state.il.us) and participants may file electronically on the Board's web page. The prefiled testimony and prefiled questions must be served on the persons on the service list.

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read 'M. Kaminski', with a long horizontal stroke extending to the right.

Mark G. Kaminski  
Hearing Officer  
Illinois Pollution Control Board  
100 West Randolph St., Suite 11-500  
Chicago, Illinois 60601  
(312) 814-4925  
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