

ILLINOIS POLLUTION CONTROL BOARD
September 17, 2021

IN THE MATTER OF:)
)
AMENDMENTS TO 35 ILL. ADM. CODE) R18-28
SUBTITLE I: ATOMIC RADIATION) (Rulemaking – Atomic Radiation)

NOTICE OF HEARING

DATES, TIMES, AND PLACES:

FIRST HEARING: October 12, 2021
1:00 PM

IN PERSON: JAMES R. THOMPSON CENTER
Room 9-039
100 W. Randolph St.
CHICAGO

SECOND HEARING: November 17, 2021
Beginning at 1:00 PM

IN PERSON: SANGAMO ROOM
Illinois EPA Building
1021 N. Grand Ave. E.
SPRINGFIELD

PURPOSE OF HEARING: Merit and Economic

ATTENDING BOARD MEMBERS: Anastasia Palivos

HEARING OFFICER: Daniel Pauley

HEARING OFFICER ORDER

On December 19, 2019, the Board proposed non-substantive amendments to the atomic radiation rules for public comment. The Board's atomic radiation rules "establish standards for protection against radiological air pollutants associated with materials and activities under licenses issued by the United States Nuclear Regulatory Commission." 35 Ill. Adm. Code 1000.102(a). Part 1010 "prescribes standards for detecting and reporting unpermitted releases of radionuclides from nuclear power plants." 35 Ill. Adm. Code 1010.100.

The Board proposes non-substantive amendments to remove redundant or unnecessary language, replace outdated language, update statutory references, and reorganize provisions for clarity. IEPA proposed amendments to delete outdated provisions, appropriately match incorporations by reference, eliminate redundancies and correct citations. Further explanation of IEPA's proposed changes can be found in the initial filing in this matter. Clean-Up Amendments, R18-21, at 12 (Jan. 10, 2018).

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) (2020); 35 Ill. Adm. Code 102.413(a).

The Board's proposal for public comment welcomes comment on all aspects of the proposal. However, in the Board's December 19, 2019 order issuing the proposal for public comment, the Board specifically requested comment on three questions. While IEPA responded in January, the Board requests that participants submit testimony that includes responses to these questions and comments on IEPA's answers.

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 the Clerk's Office On-Line (COOL) on the Board's website (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 102.424(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.

Participants wishing to offer an oral public comment will be allowed to do so as time allows before the end of a hearing. Participants may also file post-hearing written 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. 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 Tuesday, October 5, 2021. *See* 35 Ill. Adm. Code 102.424(a). The hearing officer intends to 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 did 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 Wednesday, November 10, 2021. *See* 35 Ill. Adm. Code 102.424(a). The hearing officer intends to begin the second hearing with witnesses who pre-filed testimony for it. *See* 35 Ill. Adm. Code 102.428(c). After those witnesses have testified, participants who did not pre-file testimony may testify as time allows after the Board completes the pre-filed testimony and questions based on it.

In a letter dated September 17, 2021, the Board requested the Department of Commerce and Economic Opportunity (DCEO) conduct an economic impact study of the amended proposal and respond to the request by November 1, 2021.

Availability of Filings

All filings in this proceeding will be available on the Board's website at www.pcb.illinois.gov in docket [R18-28](#).

IT IS SO ORDERED.



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