

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)
)
Drycleaner Environmental)
Response Trust Fund Act)
Proposal to Add 35 Ill.) No. R21-19
Adm. Code Part 1501, Repeal)
35 Ill. Adm. Code Part)
1500, and Repeal 2 Ill.)
Adm. Code Part 3100)

REPORT OF THE PROCEEDINGS held in the
above entitled cause before Hearing Officer MARK
KAMINSKI, called by the Illinois Pollution Control
Board, taken by Steven Brickey, CSR, RMR, CRR, for
the State of Illinois, 100 West Randolph Street,
Chicago, Illinois, on the 7th day of October,
2021, commencing at the hour of 10:15 a.m.

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A P P E A R A N C E S

MR. MARK KAMINSKI, Hearing Officer
MS. CYNTHIA SANTOS, Board Member
MS. JENNIFER VAN WIE, Board Member
MR. TIMOTHY FOX
MR. DANIEL PAULEY
MS. ESSENCE BROWN

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
BY: MR. JOHN M. MCDONOUGH II
1021 North Grand Avenue East
PO Box 19276
Springfield, Illinois 62794
(217) 782-5544,
john.mcdonough@illinois.gov

Appeared on behalf of the Illinois
Environmental Protection Agency;

ALSO PRESENT: MS. VICTORIA SLAYTON

1 HEARING OFFICER KAMINSKI: Good
2 morning. Welcome to this Illinois Pollution
3 Control Board hearing on October 7th, 2021. My
4 name is Mark Kaminski and I am the Hearing Officer
5 for this rulemaking proceeding entitled Rulemaking
6 for Drycleaner Environmental Response Trust Fund
7 Act Proposal to Add 35 Ill. Adm. Code Part 1501,
8 Repeal 35 Ill. Adm. Code Part 1500, and Repeal 2
9 Ill. Adm. Code Part 3100.

10 The Board docket number for this
11 rulemaking is R21-19. Also present today from the
12 Board are Board members Van Wie and Santos. Board
13 staff in attendance are Daniel Pauley, Essence
14 Brown and Tim Fox.

15 Please note there is a Korean
16 translator here for today's hearing and I will be
17 pausing periodically to make sure he keeps up in
18 providing translation. We will be recessing the
19 hearing around 10:45 so that the Board can conduct
20 its open meeting at 11:00 and we will reconvene
21 after that meeting. So there will be a pause at
22 that time.

23 This hearing is governed by the
24 Board's procedural rules. All information that is

1 relevant and that is not repetitious or privileged
2 will be admitted into the record. Please bear in
3 mind that any questions posed today by the Board
4 and its staff are intended solely to help develop
5 a clear and complete record for the Board's
6 decision and do not reflect any decision on the
7 proposal, testimony or other questions.

8 For the sake of our court
9 reporter, please speak clearly and avoid speaking
10 at the same time as another person so that we can
11 help produce a clear transcript.

12 Also, please be patient and take
13 pauses to give our interpreter a chance to catch
14 up on whatever is being said. There is a notepad
15 in the front for signup for public comment.
16 Please note if you have time constraints. Also,
17 anyone can submit public comments on the Board's
18 COOL system.

19 This is the second hearing in
20 this rulemaking. The first hearing was held in
21 Springfield on September 9, 2021. During the
22 first hearing, pre-filed testimony was provided
23 and questions were submitted and asked and
24 answered.

1 In addition, the Illinois EPA
2 indicated that there were certain questions it
3 would need to follow up with in writing.
4 Pre-filed testimony for the second hearing was due
5 on September 23rd, 2021. On that date, the
6 Illinois EPA submitted answers to certain
7 questions raised during the first hearing held on
8 September 9th, 2021.

9 No questions were submitted in
10 response to the Illinois EPA's submission. The
11 order of the proceeding will -- first, we will
12 allow the Illinois EPA to introduce themselves and
13 their team and offer them up for questions and
14 comment. Then if there are any other witnesses
15 who have not pre-filed testimony that are
16 available today we can take that as well, followed
17 by public comments.

18 At this point, I'll turn it over
19 to the Illinois EPA to make introductions.

20 MR. MCDONOUGH II: Good morning. My
21 name is John McDonough. I am assistant counsel
22 for the Land Regulatory Unit of the Illinois
23 Environmental Protection Agency's Division of
24 Legal Counsel.

1 Our witness James Jennings is
2 unavailable due to unforeseen circumstances. In
3 his stead today is Victoria Slayton, a program
4 administrator with subject matter expertise from
5 the Waste Reduction and Compliance Section for the
6 Agency's Bureau of Land.

7 Based on the circumstances, some
8 questions asked today may need to be answered and
9 followed up in post-hearing comments. The Agency
10 moves pursuant to Title 35, Section 102.424(f) of
11 the Ill. Adm. Code to swear in the Agency's
12 witness today as well as enter the Agency's
13 response and information requested from the
14 September hearing to be entered into the record as
15 if read.

16 HEARING OFFICER KAMINSKI: The
17 requests are granted. Please swear in the
18 witness.

19 WHEREUPON:

20 VICTORIA SLAYTON
21 called as a witness herein, having been first duly
22 sworn, deposeth and saith as follows:

23 MR. MCDONOUGH II: At this time, and
24 at the Board's discretion, the Agency's witness

1 will provide a short introduction before
2 proceeding with questions.

3 HEARING OFFICER KAMINSKI: Please
4 proceed.

5 MS. SLAYTON: My name is Victoria
6 Slayton. I received my undergraduate degree from
7 the University of Illinois - Springfield in 2014
8 and my master's degree in public administration
9 from the University of Illinois - Springfield in
10 2016. I have worked for the State of Illinois in
11 one capacity or another since August of 2014.

12 Pertinent to today's hearing, I
13 have worked for the Illinois Environmental
14 Protection Agency since October of 2018 as an
15 accountant in the Bureau of Land's Waste Reduction
16 and Compliance Section up until a recent promotion
17 to Executive I as of September 2021.

18 A majority of what I do on a
19 day-to-day basis includes analyzing financial
20 assurance mechanisms for solid waste, hazardous
21 waste, used tire, consent orders and compost
22 facilities, reviewing, processing and approving
23 delegated county invoices, conducting landfill fee
24 audits as necessary and leading the financial

1 assurance program and administration of the
2 Drycleaner Environmental Response Trust Fund
3 program since its implementation as of July 1,
4 2020.

5 And as program administrator of
6 the Drycleaner Environmental Response Trust Fund
7 program, basically everything touches my desk in
8 regards to licensing, insurance policies, budgets
9 and reimbursement requests.

10 HEARING OFFICER KAMINSKI: At this
11 point, are there any questions for the witness?
12 Okay. Does the Board have any questions?

13 For the record, is there anyone
14 present here today who did not pre-file testimony
15 for this second hearing and wishes to offer
16 testimony? At this point, we would move on to
17 comments. However, we're getting fairly close to
18 when we're going to recess and I suggest given
19 that we're maybe going to see some more people
20 that we recess now and come back at say -- I'm
21 sorry. Go ahead.

22 MS. PARK: Sorry. I just wanted to
23 make a comment.

24 HEARING OFFICER KAMINSKI: We can do

1 that right now. If there is anyone present here
2 who wishes to comment, please provide their name
3 and proceed.

4 MS. PARK: My name is Heidi Park.
5 Sorry. My name is Heidi Park. I am the
6 translator for the National Drycleaners Institute
7 and we just wanted to -- we have discussed with
8 the EPA our views on we believe that continuing
9 education is very important for our industry and
10 we believe that having these education courses
11 would also help prevent future spills and help the
12 environment going forward.

13 HEARING OFFICER KAMINSKI: Thank
14 you. Do you have further comment?

15 MS. PARK: No.

16 HEARING OFFICER KAMINSKI: Are there
17 any questions based on the comment? Yes, Member
18 Van Wie.

19 MS. VAN WIE: Hi, Heidi. Are -- are
20 the -- are the elements that the National
21 Drycleaners Institute that they want considered
22 for the regulations, is that included in the
23 pre-filed testimony of Sung Kang?

24 MS. PARK: He did mention it there,

1 but he didn't mention anything specifically. So
2 we didn't know if you needed to know any specifics
3 on topics or what we did previously. I don't know
4 if you had questions about that.

5 MS. VAN WIE: If you could submit
6 what you would like to see in the continuing
7 education and the compliance program before the
8 due date. What is the due date?

9 HEARING OFFICER KAMINSKI: I
10 anticipate it's going to be November 4th.

11 MS. VAN WIE: November 4th. Then I
12 will be able to look at that and see what you
13 would like to see in the program.

14 MS. PARK: Thank you.

15 MS. VAN WIE: Thank you.

16 HEARING OFFICER KAMINSKI: Thank
17 you. Is there anyone else present who wishes to
18 offer comment?

19 Hearing none, we'll go off the
20 record for now and recess until 11:20. Thank you.

21 (Whereupon, a break was taken
22 after which the following
23 proceedings were had.)

24 HEARING OFFICER KAMINSKI: Before we

1 went to recess, we were receiving comments from
2 the public and I asked if there was anyone that
3 wanted to go on the record to make a public
4 comment at this hearing and I will renew that
5 question.

6 Is there anyone here who wishes
7 to make any public comments for this hearing?

8 Hearing none, it is my
9 understanding that the transcript will be
10 available on Thursday, October 14th. And public
11 comments will be due 21 days thereafter, which is,
12 I believe, November 4th, 2021.

13 Filings with the Board, whether
14 paper or electronic, must also be served on the
15 hearing officer and those persons on the service
16 list. Before filing, please check on COOL or with
17 the Board's clerk to ensure that you have the most
18 recent version of the service list.

19 Are there any other matters that
20 need to be addressed at this time? Seeing none, I
21 would like to thank everyone for participating
22 today. The second hearing is adjourned. Thank
23 you.

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<hr/> A <hr/> A.D 12:13 a.m 1:12 able 10:12 accountant 7:15 Act 1:4 3:7 Add 1:5 3:7 addition 5:1 addressed 11:20 adjourned 11:22 Adm 1:5,6,7 3:7,8 3:9 6:11 administration 7:8 8:1 administrator 6:4 8:5 admitted 4:2 aforsaid 12:6 Agency 2:5,10 6:9 7:14 Agency's 5:23 6:6 6:11,12,24 ahead 8:21 allow 5:12 analyzing 7:19 answered 4:24 6:8 answers 5:6 anticipate 10:10 Appeared 2:9 appears 12:8 approving 7:22 asked 4:23 6:8 11:2 assistant 5:21 assurance 7:20 8:1 attendance 3:13 audits 7:24 August 7:11 available 5:16 11:10 Avenue 2:6 avoid 4:9 <hr/> B <hr/>	back 8:20 based 6:7 9:17 basically 8:7 basis 7:19 bear 4:2 behalf 2:9 believe 9:8,10 11:12 Board 1:1,10 2:2 2:3 3:3,10,12,12 3:12,19 4:3 8:12 11:13 12:1 Board's 3:24 4:5 4:17 6:24 11:17 Box 2:7 break 10:21 Brickey 1:10 12:3 12:18 Brown 2:4 3:14 budgets 8:8 Bureau 6:6 7:15 <hr/> C <hr/> C 2:1 called 1:10 6:21 capacity 7:11 catch 4:13 cause 1:9 certain 5:2,6 Certified 12:3 certify 12:4 chance 4:13 check 11:16 Chicago 1:11 12:20 circumstances 6:2 6:7 clear 4:5,11 clearly 4:9 clerk 11:17 close 8:17 Code 1:5,6,7 3:7,8 3:9 6:11 come 8:20 commencing 1:12	comment 4:15 5:14 8:23 9:2,14 9:17 10:18 11:4 comments 4:17 5:17 6:9 8:17 11:1,7,11 complete 4:5 12:7 compliance 6:5 7:16 10:7 compost 7:21 conduct 3:19 conducting 7:23 consent 7:21 considered 9:21 constraints 4:16 continuing 9:8 10:6 Control 1:1,10 3:3 12:1 Cook 12:12 COOL 4:18 11:16 correct 12:7 counsel 5:21,24 county 7:23 12:12 courses 9:10 court 4:8 CRR 1:10 12:18 CSR 1:10 12:18 12:21 CYNTHIA 2:2 <hr/> D <hr/> Daniel 2:4 3:13 date 5:5 10:8,8 day 1:11 12:12 day-to-day 7:19 days 11:11 decision 4:6,6 degree 7:6,8 delegated 7:23 deposeth 6:22 desk 8:7 develop 4:4 direction 12:10 discretion 6:24	discussed 9:7 Division 5:23 docket 3:10 Drycleaner 1:4 3:6 8:2,6 Drycleaners 9:6 9:21 due 5:4 6:2 10:8,8 11:11 duly 6:21 <hr/> E <hr/> E 2:1,1 East 2:6 education 9:9,10 10:7 electronic 11:14 elements 9:20 ensure 11:17 enter 6:12 entered 6:14 entitled 1:9 3:5 environment 9:12 Environmental 1:4 2:5,10 3:6 5:23 7:13 8:2,6 EPA 5:1,6,12,19 9:8 EPA's 5:10 Essence 2:4 3:13 Executive 7:17 expertise 6:4 <hr/> F <hr/> facilities 7:22 fairly 8:17 fee 7:23 filing 11:16 Filings 11:13 financial 7:19,24 first 4:20,22 5:7 5:11 6:21 follow 5:3 followed 5:16 6:9 following 10:22 follows 6:22	foregoing 12:6 forward 9:12 Fox 2:3 3:14 front 4:15 Fund 1:4 3:6 8:2,6 further 9:14 future 9:11 <hr/> G <hr/> getting 8:17 give 4:13 given 8:18 go 8:21 10:19 11:3 going 8:18,19 9:12 10:10 Good 3:1 5:20 governed 3:23 Grand 2:6 granted 6:17 <hr/> H <hr/> hazardous 7:20 hearing 1:9 2:2 3:1,3,4,16,19,23 4:19,20,22 5:4,7 6:14,16 7:3,12 8:10,15,24 9:13 9:16 10:9,16,19 10:24 11:4,7,8 11:15,22 Heidi 9:4,5,19 held 1:9 4:20 5:7 help 4:4,11 9:11 9:11 Hi 9:19 hour 1:12 <hr/> I <hr/> II 2:6 5:20 6:23 III 1:5,6,6 3:7,8,9 6:11 Illinois 1:1,10,11 1:11 2:5,7,9 3:2 5:1,6,10,12,19 5:22 7:7,9,10,13 12:1,12,20
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