

IN THE MATTER OF:	)	
PROPOSED AMENDMENTS TO	)	R13-8
SPECIAL WASTE HAULING	)	
PERMIT REGULATION TO	)	(Rulemaking-
IMPLEMENT PUBLIC ACT 97-1081,	)	
35 ILL. ADM. CODE	)	Land
809.204 AND 809.212	)	

REPORT OF THE PROCEEDINGS held in the above entitled cause before Hearing Officer Tim Fox, called by the Illinois Pollution Control Board, taken by Steven Brickey, CSR, for the State of Illinois, 100 West Randolph Street, Chicago, Illinois, on the 18th day of October, 2012, commencing at the hour of 12:00 p.m.

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**STATE OF ILLINOIS**  
**Pollution Control Board**

A P P E A R A N C E S

MR. TIM FOX, Hearing Officer  
MS. JENNIFER A. BURKE  
MR. THOMAS HOLBROOK  
MR. ANAND RAO  
MS. CARRIE ZALEWSKI

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY  
BY: MS. KIMBERLY A. GEVING  
MR. DAVID WALTERS  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276  
(217) 782-5544

ILLINOIS ATTORNEY GENERALS OFFICE  
BY: MS. JAMIE DAVIDSON  
500 South Second Street  
Springfield, Illinois 62706  
(217) 782-1090

REPORTED BY:

Steven J. Brickey, CSR  
CSR License No. 084-004675

1 MR. FOX: Good afternoon and welcome  
2 to this Illinois Pollution Control Board hearing.  
3 My name is Tim Fox and I'm the Hearing Officer for  
4 this rulemaking entitled Proposed Amendments to  
5 Special Waste Hauling Permit Regulations to  
6 Implement Public Act 97-1081. 35 Ill. Adm. Code  
7 809.204 and 809.212.

8 The Board docket number for this  
9 rulemaking is R13-8. I do want to note for the  
10 record that also present from the Board are at my  
11 immediate left Board Chairman Tom Holbrook, the  
12 lead Board Member for this rulemaking, at his left  
13 is Board Member Jennifer Burke, at my immediate  
14 right is Board Member Carrie Zalewski and at my  
15 far left is Anand Rao who represents the Board's  
16 Technical Unit.

17 The Illinois Pollution Control  
18 Board initiated this rulemaking in an order dated  
19 September 20th, 2012. The Board did so in  
20 response to Public Act 97-1081, which became  
21 effective on August 24th, 2012. One provision of  
22 that public act amends Section 22.2(L) of the  
23 Environmental Protection Act by extending the  
24 duration of special waste hauling permits from one  
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1 year to three years.

2 To implement that provision, the  
3 Board proposed amendments to Part 809 of its solid  
4 waste and special waste hauling regulations for  
5 first notice publication without commenting on the  
6 substantive merits of those amendments.

7 Those appeared in the Illinois  
8 Register on October 5th, 2012, at 36 Illinois  
9 Register Page 14600. Today we are, of course,  
10 holding the first hearing in this rulemaking in an  
11 order dated September 20th, 2012. The Hearing  
12 Officer directed participants wishing to pre-file  
13 testimony for this hearing to do so on or before  
14 Thursday, October 4th, 2012. However, the Board  
15 has received no pre-filed testimony.

16 I do want to note for the record  
17 that the Attorney General's Office is represented  
18 here and, Ms. Davidson, if you wouldn't object  
19 identifying yourself quickly for the record I'd  
20 appreciate it.

21 MS. DAVIDSON: Jamie Davidson.

22 MR. FOX: Very good. Thank you very  
23 much and welcome. We will begin this hearing with  
24 any witness who did not pre-file testimony, but  
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1 would like to testify here today. I have left at  
2 the witness table a sheet on which anyone may  
3 indicate they would like to do so. I can see  
4 clearly however that no one has so indicated and  
5 we do not expect to introduce any testimony at  
6 this hearing today. The Board does have a couple  
7 of questions which the Agency has made itself  
8 available to answer. So we can turn to them in a  
9 moment for a brief summary or statement that they  
10 may wish to offer and for a couple of questions  
11 that Mr. Walters has indicated that he is  
12 available to respond to.

13 As time allows after that, we  
14 can confirm whether anyone would like to offer a  
15 public comment or whether anyone who has appeared  
16 who would like to offer -- pardon me -- offer  
17 testimony before we should be able to adjourn.

18 I do want to know generally that  
19 this proceeding is governed by the Board's  
20 procedural rules so that all information that is  
21 relevant and that is not repetitious or privileged  
22 will be admitted into the record. Please note  
23 that any questions posed today by the Board or its  
24 staff are intended solely to develop a clear and  
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1 complete record and do not indicate any  
2 prejudgment or predecision on the elements of the  
3 proposal.

4 Any questions about our  
5 procedures this afternoon? Neither seeing nor  
6 hearing any, I can again see that no one has  
7 appeared or no one has signed in to testify. If  
8 the Agency is prepared to do so, we can turn to  
9 them for any statement or summary they wish to  
10 offer and I have a couple of questions for them  
11 that we can turn to then.

12 MS. GEVING: I think I'll just turn  
13 it over to your questions and let Mr. Walters  
14 answer them.

15 MR. FOX: Very good. Would you  
16 identify yourself for the record?

17 MS. GEVING: I'm Kim Geving,  
18 assistant counsel with the Division of Legal  
19 Counsel Bureau of Land.

20 MR. FOX: Great. With that if we  
21 can have our court reporter swear in the witness  
22 for a couple of questions and proceed to those,  
23 Mr. Walters.

24

1 WHEREUPON:

2 DAVID WALTERS

3 called as a witness herein, having been first duly  
4 sworn, deposeseth and saith as follows:

5 MR. FOX: Mr. Walters, if I could  
6 ask you quickly to identify yourself for the  
7 record and your role with the Agency?

8 MR. WALTERS: My name is David  
9 Walters, W-A-L-T-E-R-S. I'm manager of the waste  
10 reduction and compliance section for the  
11 Environmental Protection Agency Bureau of Land.

12 MR. FOX: Very good. Mr. Walters,  
13 the Board's first notice proposal amended existing  
14 Section 809.204(a), which regards special waste  
15 hauling permit applications and it did so by  
16 adding a reference to the statutory provision that  
17 sets application fees.

18 Does the Agency have any  
19 position or comment on the amendment that was  
20 proposed by the Board for first notice?

21 MR. WALTERS: We do not.

22 MR. FOX: Secondly, the Board's  
23 first notice proposal amended Section 809.212  
24 which addresses the duration of those permits.  
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1 Has the Agency developed any position or have any  
2 comments on the amendment proposed by the Board?

3 MR. WALTERS: We do not.

4 MR. FOX: Do you know whether the  
5 Agency would be prepared to offer comment or  
6 position on that for the second hearing that is  
7 now scheduled in November?

8 MR. WALTERS: We support the  
9 amendment and we will not have any comment at that  
10 time.

11 MR. FOX: Very good. In saying that  
12 you support the amendment, does that refer to both  
13 of the two sections?

14 MR. WALTERS: Yes, it does.

15 MR. FOX: Thank you very much,  
16 Mr. Walters. I have no further questions.  
17 Ms. Davidson, on behalf of the Attorney General's  
18 Office, did you wish to pose any questions?

19 MS. DAVIDSON: No, thank you.

20 MR. FOX: Very good. That exhausts  
21 the questions that I had on behalf of the Board  
22 unless the Board members or the technical unit had  
23 any that they wished to offer? Neither seeing nor  
24 hearing any indication that they do, I, again, see  
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1 that we have had no one to sign in wishing to  
2 testify and, Ms. Davidson, I believe you had  
3 indicated that you did not wish to offer a comment  
4 on the proposal at this hearing?

5 MS. DAVIDSON: Correct.

6 MR. FOX: Very good. Why don't we  
7 go off the record just for a moment to discuss a  
8 procedural issue or two and then we can come back  
9 on the record and I suspect quite quickly.

10 (Whereupon, a break was taken  
11 after which the following  
12 proceedings were had.)

13 MR. FOX: The second hearing in this  
14 docket -- I should clarify that we did go off the  
15 record to discuss procedural issues including the  
16 proposed dates for a possible post hearing comment  
17 deadline. That issue will be addressed at the  
18 conclusion of the second hearing in this document,  
19 which has been scheduled to take place Thursday,  
20 November 15th, 2012, at 9:30 a.m. in Springfield.  
21 The deadline to pre-file testimony for that  
22 hearing is Thursday, November 1st of 2012.

23 Copies of the transcript of  
24 today's hearing should be available by Monday,  
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1 October 23rd, 2012, and as soon as the Board does  
2 receive that it will post it to the clerk's office  
3 online very quickly so that it is available to be  
4 viewed, downloaded and printed. Anyone may file  
5 written public comments in this rulemaking with  
6 the Clerk of the Board. Filings may be made  
7 through the clerk's office online or COOL.  
8 Questions about that procedure should be directed  
9 to the clerk's office for any technical  
10 assistance.

11 Filings with the Board whether  
12 paper or electronic must also be served on the  
13 Hearing Officer and those persons that are on the  
14 service list and before filing. If you would  
15 please check with the clerk's office to ensure  
16 that you have the most recent version of that  
17 service list.

18 If anyone has procedural  
19 questions about those aspects of this rulemaking,  
20 contact information for the Hearing Officer and  
21 other Board staff are on the Board's web page.  
22 Are there any our issues to be addressed on the  
23 record before we adjourn? Neither seeing nor  
24 hearing any indication that there are, I certainly  
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1 want to thank the Agency, Mr. Walters and  
2 Ms. Geving, for their travel and time to  
3 participate today and with that we can adjourn and  
4 wrap up this first hearing and we will see you in  
5 November I'm sure. Thanks very much.

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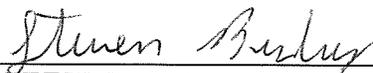
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1 STATE OF ILLINOIS )  
2 ) SS.  
3 COUNTY OF COOK )  
4

5 I, Steven Brickey, Certified Shorthand  
6 Reporter, do hereby certify that I reported in  
7 shorthand the proceedings had at the trial  
8 aforesaid, and that the foregoing is a true,  
9 complete and correct transcript of the proceedings  
10 of said trial as appears from my stenographic  
11 notes so taken and transcribed under my personal  
12 direction.

13 Witness my official signature in and for  
14 Cook County, Illinois, on this 18<sup>th</sup> day of  
15 October, A.D., 2012.

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STEVEN BRICKEY, CSR  
8 West Monroe Street  
Suite 2007  
Chicago, Illinois 60603  
Phone: (312) 419-9292  
CSR No. 084-004675

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