

ILLINOIS POLLUTION CONTROL BOARD  
December 5, 2017

IN THE MATTER OF: )  
)  
NOISE RULE UPDATE: AMENDMENTS ) R18-19  
TO 35 ILL. ADM. CODE PARTS 900, 901, ) (Rulemaking - Noise)  
902, and 910. )

Proposed Rule. Proposal for Public Comment.

**NOTICE OF HEARING**

DATES, TIMES, AND PLACES:

**FIRST HEARING:**

January 24, 2018, 10:00 am to 4:30 pm, to be continued, if necessary, to January 25, 2018, 1:00 pm to 4:30 pm.

By videoconference between:

IPCB CHICAGO HEARING ROOM Room 11-512 James R. Thompson Center 100 W. Randolph Chicago, IL 60601	and	IPCB SPRINGFIELD HEARING ROOM Conference Room 1244 N, 1 <sup>st</sup> Floor Illinois Environmental Protection Agency 1021 N. Grand Avenue East, North Entrance Springfield, IL
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**SECOND HEARING:**

February 21, 2018, 10:00 am to 4:30 pm, to be continued, if necessary, to February 22, 2018, 1:00 pm to 4:30 pm.

By videoconference between:

IPCB CHICAGO HEARING ROOM Room 11-512 James R. Thompson Center 100 W. Randolph Chicago, IL 60601	and	IPCB SPRINGFIELD HEARING ROOM Conference Room 1244 N, 1 <sup>st</sup> Floor Illinois Environmental Protection Agency 1021 N. Grand Avenue East, North Entrance Springfield, IL
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PURPOSE OF HEARINGS: Merit and Economic

ATTENDING BOARD MEMBERS: Katie Papadimitriu

HEARING OFFICER: Tetyana Rabczak

## **HEARING OFFICER ORDER**

On October 5, 2017, the Board opened this docket to amend the Board's noise rules under Part 102 of the Board's procedural rules (35 Ill. Adm. Code 102. Subpart B) and Sections 27 and 28 of the Illinois Environmental Protection Act (Act) (415 ILCS 5/27, 28 (2016)). This review is part of a broader review of Board's rules started in the summer of 2016.

The noise rules affected are located at 35 Ill. Adm. Code 900, 901, 902, and 910. These are general provisions addressing the definitions of acoustical terminology, noise emissions standards for property-line-noise-sources and motor vehicles, and sound measurement procedures; they also include site-specific provisions. The proposed changes involve updating definitions, references, and sound measurement procedures. The proposed amendments also clarify language in some sections and remove provisions that are no longer applicable or necessary. Today's order sets the dates for the hearings and the pre-filing deadlines.

The Board recently amended its procedural rules to provide that "[a]ny Board hearing may be held by videoconference." The amended rule provides a number of factors that a hearing officer will consider in determining whether to hold a hearing by videoconference. 35 Ill. Adm. Code 101.600(b); *see* Procedural Rule Amendments: Proposed Amendments to 35 Ill. Adm. Code 101 through 125, R16-17, slip op. at 31 (May 19, 2016). Videoconference hearings reduce travel costs and ensure efficient use of time and resources by participants and their witnesses as well as the Board members and staff. This rulemaking also concerns entire state and is not tied to any specific geographic location. Based on these considerations, the Board will conduct the hearings by videoconference between its offices. 35 Ill. Adm. Code 101.600(b).

### **Hearing Dates and Pre-filing Deadlines**

The first hearing is scheduled to begin on January 24, 2018, and will be dedicated to the testimony filed with the Board before the hearing and questions based on any such testimony, as well as any public comments submitted to the Board. The hearing officer will be in Chicago for the January 24<sup>th</sup> hearing. The hearing will also fulfill the statutory obligations under Section 27(b) of the Act (415 ILCS 5/27(b) (2016)). Section 27(b) requires the Board to request the Department of Commerce and Economic Opportunity (DCEO) to conduct a study of an economic impact of certain proposed rules prior to their adoption. The Board sent the request to DCEO on October 25, 2017. DCEO has 30 to 45 days from the date of the request to produce such a study, should it choose to conduct it. The Board must then make the economic impact study, or DCEO's explanation for not conducting it, available to the public at least 20 days before the public hearing. The Board will receive testimony on any economic impact study conducted by the DCEO on the proposed rules or on DCEO's decision not to perform a study. *See* 415 ILCS 5/27(b) (2016).

Participants who intend to testify at the first hearing are directed to pre-file their testimony and any related exhibits no later than December 22, 2017. *See* 35 Ill. Adm. Code 102.424(b). To expedite the hearing and make it more efficient, participants are directed to pre-

file written questions based on any testimony pre-filed for the first hearing no later than January 12, 2018. *See* 35 Ill. Adm. Code 102.424(b).

The hearing officer will be in Springfield for the second hearing, which will begin on February 21, 2018, and will be dedicated to the testimony filed with the Board and questions based on any such testimony, as well as any public comments filed with the Board. The deadline to pre-file testimony for the February 21st hearing is February 9, 2018. Pre-filed questions must be filed by February 16, 2018. *See* 35 Ill. Adm. Code 102.424(b).

### **Pre-Filing Procedures**

All filings in this proceeding will be available on the Board's website at [www.ipcb.state.il.us](http://www.ipcb.state.il.us). 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 (COOL). 35 Ill. Adm. Code 101.302(h), 101.1000(c), 101.Subpart J.

Any document to be offered as a hearing exhibit must be received by the Clerk's Office at least 24 hours before the scheduled start of the hearing. 35 Ill. Adm. Code 102.424(h). If not filed at least 24 hours before the scheduled start of the videoconference hearing, the document will not be allowed at the hearing but may be filed as a public comment after the hearing. *Id.*

The pre-filed testimony and pre-filed questions must be served on the persons on the Service List at the time of pre-filing. *See* 35 Ill. Adm. Code 102.424(c). Service may be done 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). Before filing any document, please obtain the current version of the Service List through COOL on the Board's website ([www.ipcb.state.il.us](http://www.ipcb.state.il.us)) or by calling the Clerk's Office at 312-814-3461.

The hearing officer intends to begin each hearing with any participants who pre-filed testimony for the hearing. Participants who did not pre-file testimony will be allowed to testify and respond to questions as time permits. *See* 35 Ill. Adm. Code 101.628, 102.114, and 102.424(g).

For both hearings, all pre-filed testimony and questions will be entered into the record as if read. *See* 35 Ill. Adm. Code 102.424(f). A brief introduction to or summary of the testimony will be allowed if a witness wishes to provide one before responding to questions. Participants wishing to offer a public comment during either of the two hearings will be allowed to do so as time allows before the end of a hearing. Participants may also file post hearing comments. *See* 35 Ill. Adm. Code 102.108(b).

### **Service and Notice Lists**

The hearing officer and Clerk's Office maintain a Notice List and Service List for this proceeding. *See* 35 Ill. Adm. Code 102.422(a), (b). The Notice List includes participants who wish to receive only the Board's opinions and orders and hearing officer orders. 35 Ill.

Adm. Code 102.422(a). The Service List includes participants who expect to participate more actively and wish also to receive other filings such as pre-filed testimony and questions. *See* 35 Ill. Adm. Code 102.422(b). Any interested person may also request electronic notice of filings by providing an email address through COOL under this docket number R18-19. This electronic notice includes notice of filing of documents that are not typically provided to persons on the Notice List. In addition, COOL provides links to documents filed with the Board, and those documents can be viewed, downloaded, and printed free of charge as soon as they are posted to the Board's website.

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read 'Tetyana Rabczak', is written over a horizontal line.

Tetyana Rabczak  
Hearing Officer  
Illinois Pollution Control Board  
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