

ILLINOIS POLLUTION CONTROL BOARD
FEBRUARY 21, 2018

IN THE MATTER OF:)
) No. R18-19
NOISE RULE UPDATE:) (Rulemaking-
) Noise)
AMENDMENTS TO 35 ILL. ADM.)
CODE PARTS 900, 901, 902)
and 910.)

REPORT OF PROCEEDINGS held in the
above-entitled cause before Hearing Officer
Tetyana Rabczak, called by the Illinois Pollution
Control Board, taken by Kimberly Winkler
Christopher, CSR, for the State of Illinois, at
100 West Randolph Street, Chicago, Illinois, on
the 21st day of February, 2018, commencing at the
hour of 10:00 a.m.

1 PRESENT:

2 MS. TETYANA RABCZAK, Chairman
MS. CARRIE ZALEWSKI, Board Member
3 MS. BRENDA CARTER, Board Member
MR. TIMOTHY FOX, Board Member
4 MS. KATIE PAPADIMITRIU, Board Member
MR. ANAND RAO, Technical Unit
5 MS. MARIE TIPSORD, General Counsel

6 ALSO PRESENT:

7 MS. ALISA LIU

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1 HEARING OFFICER RABCZAK: All right. Good
2 morning, everyone, and welcome to the Illinois
3 Pollution Control Board. We have a hearing today
4 in the proceeding entitled Noise Rule Update:
5 Amendments to 35 Illinois Administrative Code
6 Parts 900, 901, 902, and 910. The board docket
7 number for this rulemaking is R18-19.

8 My name is Tanya Rabczak and I am the
9 Hearing Officer for this proceeding.

10 Can everybody hear me okay?

11 MS. PAPADIMITRIU: Yes.

12 HEARING OFFICER RABCZAK: Also present today
13 from the board are board chairman Katie
14 Papadimitriu. We also have Brenda Carter, and I
15 guess we have Carrie --

16 MS. ZALEWSKI: I am here. Sorry. Carrie
17 Zalewski.

18 (Discussion off the record.)

19 HEARING OFFICER RABCZAK: We also have staff
20 from the board. We have Marie Tipsord, the
21 general counsel of the board. We have Anand Rao,
22 who is the senior scientist for the board. We
23 have Alisa Liu, I believe. I can't see her from
24 here.

1 MR. RAO: She's here.

2 HEARING OFFICER RABCZAK: And I think that's
3 it from the board because I cannot see the rest of
4 the group.

5 MS. PAPADIMITRIU: That's correct.

6 MS. ZALEWSKI: That's it.

7 HEARING OFFICER RABCZAK: We have sign-up
8 sheets in the Springfield office and in the
9 Chicago office. If any members of the public show
10 up and are willing to testify, I would ask for
11 your assistance in the Chicago office to help them
12 sign up. So far we do not have anyone here in the
13 Springfield office.

14 Do we have anybody in Chicago at this
15 point?

16 MS. TIPSORD: No, no one in Chicago.

17 HEARING OFFICER RABCZAK: Okay. I'll just
18 proceed with laying down the rules and the summary
19 and purpose of this proceeding.

20 This hearing is governed by the board's
21 procedural rules. All information that is
22 relevant and that is not repetitious or privileged
23 will be admitted to the record. Any questions
24 posed today by the board and the staff are

1 intended solely to help develop a clear and
2 concise record and do not reflect any prejudgments
3 or any testimony, comments, or other questions.

4 A little bit about this rulemaking. The
5 purpose of this rulemaking is to update the noise
6 rules. And the board opened this up on October
7 5th, 2017. This review is part of the board's
8 broader rules review started in summer 2016 aimed
9 to update and clarify its rules. It is also part
10 of Governor Rauner's Executive Order 2016-13
11 initiative aimed at reducing regulatory burden and
12 clarifying regulations in Illinois.

13 Amendments proposed in this rulemaking
14 update definitions, references, sound measurement
15 procedures. They also clarify language in some
16 sections and remove provisions that are no longer
17 applicable or necessary.

18 The board adopted proposed amendments
19 for public comments without submitting it to
20 first-notice publication. The board invited
21 comments and scheduled two hearings on the
22 proposal by video conference between Chicago and
23 Springfield offices.

24 The first hearing was held on January

1 24th. Today we have a second hearing and if
2 necessary we'll continue until tomorrow. The
3 board published notice of the hearing in the State
4 Journal-Register of Springfield on December 7,
5 2017, and in the Chicago Tribune on December 8,
6 2017. The board invited interested persons to
7 prefile their comments and testimonies and contact
8 the Hearing Officer to be added to this docket's
9 notice list.

10 So far the board has received no
11 comments in this proceeding. We have received no
12 prefiled testimonies and we have received no
13 prefiled comments or questions. This hearing will
14 be dedicated to testimony or public comments that
15 any members of the public wish to provide on the
16 proposal at the hearing. The hearing will also
17 fulfill statutory obligations under Section 27(b)
18 of the Illinois Environmental Protection Act,
19 which requires the Department of Commerce and
20 Economic Opportunity to conduct a study of the
21 economic impact of the proposed rules.

22 The board sent a request to DCEO on
23 October 25th, 2017, and did not receive any
24 response. At this hearing any member of the

1 public can provide testimony or public comments on
2 the economic impact of the proposed amendments.

3 As I said, so far I do not see any
4 member of the public in Springfield. Is there
5 anybody in Chicago?

6 MS. PAPADIMITRIU: No, Tanya.

7 HEARING OFFICER RABCZAK: Let's recess for 10
8 minutes so that whoever wants to show up late, to
9 be able to speak, and come back in 10 minutes. We
10 have 10:06. Let's come back at 10:15.

11 MS. PAPADIMITRIU: Sure.

12 HEARING OFFICER RABCZAK: Okay. All right.
13 Let's recess.

14 (Short recess.)

15 HEARING OFFICER RABCZAK: Let's go back on
16 the record. We are back on the record.

17 It's 10:15. We still have no members of
18 the public here in Springfield.

19 Is there anybody in Chicago?

20 MS. PAPADIMITRIU: No.

21 HEARING OFFICER RABCZAK: Okay. Seeing none,
22 let's -- before we adjourn, I just wanted to
23 remind that the transcript of today's meeting will
24 be available in five business days. The

1 transcript of the first day of the hearing was
2 posted to the board's website on January 25th and
3 is available on the case web page. The deadlines
4 for the posthearing comments will be announced
5 shortly in the Hearing Officer order that will be
6 issued after this hearing and will be also posted
7 to the case web page as well as all the testimony
8 and public comments, if we receive any.

9 Are there any other matters that need to
10 be addressed at this time?

11 MS. PAPADIMITRIU: No.

12 HEARING OFFICER RABCZAK: Hearing none, I
13 would like to thank everyone for participating and
14 this hearing is adjourned.

15 (Which were all the
16 proceedings had in the
17 above-entitled cause at this
18 time.)

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CERTIFICATE OF SHORTHAND REPORTER

I, Kimberly Winkler Christopher, the officer before whom the foregoing proceedings were taken, do certify that the foregoing transcript is a true and correct record of the proceedings, that said proceedings were taken by me stenographically and thereafter reduced to typewriting under my supervision, and that I am neither counsel for, related to, nor employed by any of the parties to this case and have no interest, financial or otherwise, in its outcome.

C.S.R. Certificate No. 084-002752

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