

ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)
AMENDMENTS TO 35 ILL.) R18-30
ADM. CODE SUBTITLE O:) (Rulemaking - Right
RIGHT TO KNOW) to Know)

REPORT OF THE PROCEEDINGS held in the above
entitled cause before Hearing Officer Natalie
Winqvist, called by the Illinois Pollution Control
Board, taken by Kari Wiedenhaupt, CSR, for the
State of Illinois, 100 West Randolph Street,
Chicago, Illinois, on the 19th Day of December,
2018, commencing at the hour of 2:00 p.m.

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A P P E A R A N C E S

MS. BRENDA CARTER, Board Member

MS. CARRIE ZALEWSKI, Board Member

MS. ALISA LIU, Technical Unit

ALSO PRESENT:

MR. TIMOTHY FOX

MS. NATALIE WINQUIST

MS. JOANNE OLSON

MS. NANCY TIKALSKY

1 MS. WINQUIST: Good afternoon. My
2 name is Natalie Winquist. Welcome to this
3 Illinois Pollution Control Board hearing. I am
4 the assigned hearing officer in this rulemaking
5 entitled: Amendments to 35 Illinois
6 Administrative Code Subtitle O: Right to Know.
7 The Board docket number for this rulemaking is
8 R18-30. I will start with a brief introduction.

9 Here in Chicago to my left, we
10 have Board Member Brenda Carter, who is a board
11 member assigned to this rulemaking. We also have
12 Board Member, Carrie Zalewski. Here with us we
13 have Alisa Liu from the Board's Technical Unit,
14 and Attorney Advisor, Tim Fox. There is no one --
15 I don't believe there is anyone from the Board in
16 our Springfield office for today's hearing.

17 Moving on to a few housekeeping
18 matters. This hearing is governed by the Board's
19 procedural rules. Under Section 104.426 of those
20 rules, all information that is relevant and that
21 is not repetitious or privileged will be admitted
22 into the record. Please bear in mind that any
23 questions posed today by the Board and its staff
24 are intended solely to develop a clear and

1 complete record for the Board's decision, and do
2 not reflect any decision on the proposal,
3 testimony or other questions. For the sake of our
4 court reporter in Chicago and to help provide a
5 clear transcript, please speak clearly, and avoid
6 speaking at the same time as another person.

7 Just a brief background on this
8 rulemaking. On March 22, 2018, the Board opened
9 this docket, R18-30, specifically to consider
10 amendments to its Subtitle O: Right to Know
11 regulations. On June 21st, 2018, the Board
12 adopted a proposal for public comment. The
13 Board's proposed amendments remove redundant or
14 unnecessary words and phrases, replace outdated
15 language and reorganize sections and sentence
16 structure for clarity.

17 Any proposed changes are
18 intended to be non-substantive. This is the
19 second of our two required hearings. The Board
20 published notice of these hearings on November
21 10th, 2018, in the State Journal Register of
22 Springfield, and on November 14th, 2018 in the
23 Chicago Tribune. On November 8th, 2018, the
24 hearing officer directed participants intending to

1 testify at this hearing to pre-file their
2 testimony by Wednesday, December 12th, 2018. The
3 Board did not receive any pre-filed testimony.

4 Seeing that we don't have any
5 pre-filed testimony, is there anyone here who did
6 not pre-file, but would like to testify on the
7 Board's proposal?

8 (No response.)

9 MS. WINQUIST: I don't see anyone
10 here in Chicago.

11 Is there anyone in Springfield
12 who would like to testify on the proposal?

13 (No response.)

14 MS. WINQUIST: All right. We will
15 move on then. Having addressed testimony, is
16 there anyone present who wishes to offer a comment
17 on the Board's proposal? Anyone in Chicago?

18 (No response.)

19 MS. WINQUIST: I don't see anyone.
20 Is there anyone in Springfield who would like to
21 offer a comment?

22 (No response.)

23 MS. WINQUIST: All right. Neither
24 seeing, nor hearing that anyone does, let's move

1 on to the issue of an economic impact study.
2 Section 27(b) of the Environmental Protection Act
3 provides that the Board must request that the
4 Department of Commerce and Economic Opportunity,
5 also known as DCEO, conduct an economic impact
6 study of proposed rules before the Board adopts
7 the rules. The Board must take either the
8 economic impact study or the Department's
9 explanation for not conducting one -- must make --
10 excuse me -- it available to the public at least
11 20 days before a public hearing.

12 In a letter dated October 24th,
13 2018, Board Member -- Board Chairman, Katie
14 Papadimitriou, requested that DCEO conduct an
15 economic impact study of this rulemaking proposal.
16 The Board specifically requested a response no
17 later than November 30th, 2018. The Board did not
18 receive a response from DCEO to this request.

19 Briefly, is there anyone who
20 would like to testify regarding the Board's
21 request for a study and DCEO's decision not to
22 conduct one?

23 (No response.)

24 MS. WINQUIST: I don't see anyone

1 here in Chicago. Is there anyone in Springfield?

2 (No response.)

3 MS. WINQUIST: All right. Neither
4 seeing, nor hearing that anyone does, I will move
5 on to just a few procedural matters. This
6 basically will wrap up our hearing. Pretty
7 straight forward.

8 Copies of the transcript from
9 today's hearing are expected to be available at
10 the Board by Thursday, December 27th -- or excuse
11 me -- December 27th, 2018. Promptly after the
12 Board receives a transcript, it will be posted to
13 the Board's website, from which it can be viewed
14 and printed using Docket No. R18-30.

15 I understand this is the Board's
16 proposal, but I just want to know, does the Agency
17 have any issue? You have already provided a
18 comment, but do you have any issue with a 14-day
19 post-hearing comment period?

20 MS. OLSON: Yeah. We would ask that
21 the post-hearing comment period be set out past
22 the change -- or potential change in
23 administration here for our leadership at IEPA.

24 MS. WINQUIST: All right. Thank you

1 for that.

2 MS. OLSON: So potentially February
3 would be a better date for us.

4 MS. WINQUIST: Okay. All right.
5 That seems fair, and again, before we take action
6 on this proposal, we will hold open the
7 post-hearing comment period, and I will issue a
8 hearing officer order that will confirm the
9 deadline, taking into consideration your comments.

10 Let me see here. And then any
11 filings with the Board must also be served on the
12 hearing officer and on those persons on the
13 service list. Before filing, please check on COOL
14 or with the Board's clerk to ensure that you have
15 the most recent version of the service list.

16 Are there any other matters that
17 need to be addressed at this time?

18 (No response.)

19 MS. WINQUIST: All right. Seeing
20 none, I just want to thank everyone for
21 participating, and the second and final hearing in
22 this proposal is adjourned. Thank you.

23 (END OF PROCEEDINGS.)

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I, KARI WIEDENHAUPT, do hereby certify that the foregoing was reported by stenographic and mechanical means, which matter was held on the date, and at the time and place set out on the title page hereof and that the foregoing constitutes a true and accurate transcript of same.

I further certify that I am not related to any of the parties, nor am I an employee of or related to any of the attorneys representing the parties, and I have no financial interest in the outcome of this matter.

I have hereunder subscribed my hand on the _____ day of _____, _____.

KARI WIEDENHAUPT, CSR

<p>A</p> <p>accurate 9:7 Act 6:2 action 8:5 addressed 5:15 8:17 adjourned 8:22 ADM 1:5 administration 7:23 Administrative 3:6 admitted 3:21 adopted 4:12 adopts 6:6 Advisor 3:14 afternoon 3:1 Agency 7:16 Alisa 2:4 3:13 amendments 1:4 3:5 4:10,13 assigned 3:4,11 Attorney 3:14 attorneys 9:11 available 6:10 7:9 avoid 4:5</p> <hr/> <p>B</p> <p>background 4:7 basically 7:6 bear 3:22 believe 3:15 better 8:3 board 1:1,11 2:2,3 3:3,7,10,10,12,15 3:23 4:8,11,19 5:3 6:3,6,7,13,13,16 6:17 7:10,12 8:11 Board's 3:13,18 4:1 4:13 5:7,17 6:20 7:13,15 8:14 Brenda 2:2 3:10 brief 3:8 4:7 Briefly 6:19</p> <hr/> <p>C</p>	<p>C 2:1 called 1:10 Carrie 2:3 3:12 Carter 2:2 3:10 cause 1:9 certify 9:2,9 Chairman 6:13 change 7:22,22 changes 4:17 check 8:13 Chicago 1:13 3:9 4:4,23 5:10,17 7:1 clarity 4:16 clear 3:24 4:5 clearly 4:5 clerk 8:14 Code 1:5 3:6 commencing 1:14 comment 4:12 5:16 5:21 7:18,19,21 8:7 comments 8:9 Commerce 6:4 complete 4:1 conduct 6:5,14,22 conducting 6:9 confirm 8:8 consider 4:9 consideration 8:9 constitutes 9:7 Control 1:1,10 3:3 COOL 8:13 Copies 7:8 court 4:4 CSR 1:11 9:22</p> <hr/> <p>D</p> <p>date 8:3 9:5 dated 6:12 day 1:13 9:15 days 6:11 DCEO 6:5,14,18 DCEO's 6:21 deadline 8:9 December 1:13 5:2</p>	<p>7:10,11 decision 4:1,2 6:21 Department 6:4 Department's 6:8 develop 3:24 directed 4:24 docket 3:7 4:9 7:14</p> <hr/> <p>E</p> <p>E 2:1,1 economic 6:1,4,5,8 6:15 either 6:7 employee 9:10 ensure 8:14 entitled 1:9 3:5 Environmental 6:2 excuse 6:10 7:10 expected 7:9 explanation 6:9</p> <hr/> <p>F</p> <p>fair 8:5 February 8:2 filing 8:13 filings 8:11 final 8:21 financial 9:12 foregoing 9:3,6 forward 7:7 Fox 2:8 3:14 further 9:9</p> <hr/> <p>G</p> <p>Good 3:1 governed 3:18</p> <hr/> <p>H</p> <p>hand 9:14 hearing 1:9 3:3,4 3:16,18 4:24 5:1 5:24 6:11 7:4,6,9 8:8,12,21 hearings 4:19,20 held 1:8 9:4 help 4:4</p>	<p>hereof 9:6 hereunder 9:14 hold 8:6 hour 1:14 housekeeping 3:17</p> <hr/> <p>I</p> <p>IEPA 7:23 ILL 1:4 Illinois 1:1,10,12 1:13 3:3,5 impact 6:1,5,8,15 information 3:20 intended 3:24 4:18 intending 4:24 interest 9:12 introduction 3:8 issue 6:1 7:17,18 8:7</p> <hr/> <p>J</p> <p>JOANNE 2:10 Journal 4:21 June 4:11</p> <hr/> <p>K</p> <p>Kari 1:11 9:2,22 Katie 6:13 know 1:6,6 3:6 4:10 7:16 known 6:5</p> <hr/> <p>L</p> <p>language 4:15 leadership 7:23 left 3:9 let's 5:24 letter 6:12 list 8:13,15 Liu 2:4 3:13</p> <hr/> <p>M</p> <p>March 4:8 matter 1:3 9:4,13 matters 3:18 7:5 8:16</p>	<p>means 9:4 mechanical 9:4 member 2:2,3 3:10 3:11,12 6:13 mind 3:22 move 5:15,24 7:4 Moving 3:17</p> <hr/> <p>N</p> <p>N 2:1 name 3:2 NANCY 2:11 Natalie 1:9 2:9 3:2 need 8:17 Neither 5:23 7:3 non-substantive 4:18 notice 4:20 November 4:20,22 4:23 6:17 number 3:7</p> <hr/> <p>O</p> <p>O 1:5 3:6 4:10 October 6:12 offer 5:16,21 office 3:16 officer 1:9 3:4 4:24 8:8,12 Okay 8:4 OLSON 2:10 7:20 8:2 open 8:6 opened 4:8 Opportunity 6:4 order 8:8 outcome 9:13 outdated 4:14</p> <hr/> <p>P</p> <p>P 2:1,1 p.m 1:14 page 9:6 Papadimitriu 6:14 participants 4:24 participating 8:21</p>
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<p>parties 9:10,12 period 7:19,21 8:7 person 4:6 persons 8:12 phrases 4:14 place 9:5 please 3:22 4:5 8:13 Pollution 1:1,10 3:3 posed 3:23 post-hearing 7:19 7:21 8:7 posted 7:12 potential 7:22 potentially 8:2 pre-file 5:1,6 pre-filed 5:3,5 present 2:7 5:16 Pretty 7:6 printed 7:14 privileged 3:21 procedural 3:19 7:5 PROCEEDINGS 1:8 8:23 Promptly 7:11 proposal 4:2,12 5:7 5:12,17 6:15 7:16 8:6,22 proposed 4:13,17 6:6 Protection 6:2 provide 4:4 provided 7:17 provides 6:3 public 4:12 6:10,11 published 4:20</p> <hr/> <p style="text-align: center;">Q</p> <hr/> <p>questions 3:23 4:3</p> <hr/> <p style="text-align: center;">R</p> <hr/> <p>R 2:1 R18-30 1:4 3:8 4:9</p>	<p>7:14 Randolph 1:12 receive 5:3 6:18 receives 7:12 record 3:22 4:1 redundant 4:13 reflect 4:2 regarding 6:20 Register 4:21 regulations 4:11 related 9:9,11 relevant 3:20 remove 4:13 reorganize 4:15 repetitious 3:21 replace 4:14 REPORT 1:8 reported 9:3 reporter 4:4 representing 9:11 request 6:3,18,21 requested 6:14,16 required 4:19 response 5:8,13,18 5:22 6:16,18,23 7:2 8:18 right 1:5,6 3:6 4:10 5:14,23 7:3,24 8:4 8:19 rulemaking 1:5 3:4 3:7,11 4:8 6:15 rules 3:19,20 6:6,7</p> <hr/> <p style="text-align: center;">S</p> <hr/> <p>S 2:1 sake 4:3 second 4:19 8:21 Section 3:19 6:2 sections 4:15 see 5:9,19 6:24 8:10 seeing 5:4,24 7:4 8:19 sentence 4:15 served 8:11 service 8:13,15</p>	<p>set 7:21 9:5 solely 3:24 speak 4:5 speaking 4:6 specifically 4:9 6:16 Springfield 3:16 4:22 5:11,20 7:1 staff 3:23 start 3:8 State 1:12 4:21 stenographic 9:3 straight 7:7 Street 1:12 structure 4:16 study 6:1,6,8,15,21 subscribed 9:14 Subtitle 1:5 3:6 4:10</p> <hr/> <p style="text-align: center;">T</p> <hr/> <p>take 6:7 8:5 taken 1:11 Technical 2:4 3:13 testify 5:1,6,12 6:20 testimony 4:3 5:2,3 5:5,15 thank 7:24 8:20,22 Thursday 7:10 TIKALSKY 2:11 Tim 3:14 time 4:6 8:17 9:5 TIMOTHY 2:8 title 9:6 today 3:23 today's 3:16 7:9 transcript 4:5 7:8 7:12 9:7 Tribune 4:23 true 9:7 two 4:19</p> <hr/> <p style="text-align: center;">U</p> <hr/> <p>understand 7:15 Unit 2:4 3:13</p>	<p>unnecessary 4:14</p> <hr/> <p style="text-align: center;">V</p> <hr/> <p>version 8:15 viewed 7:13</p> <hr/> <p style="text-align: center;">W</p> <hr/> <p>want 7:16 8:20 website 7:13 Wednesday 5:2 Welcome 3:2 West 1:12 Wiedenhaupt 1:11 9:2,22 Winquist 1:10 2:9 3:1,2 5:9,14,19,23 6:24 7:3,24 8:4,19 wishes 5:16 words 4:14 wrap 7:6</p> <hr/> <p style="text-align: center;">X</p> <hr/> <p style="text-align: center;">Y</p> <hr/> <p>Yeah 7:20</p> <hr/> <p style="text-align: center;">Z</p> <hr/> <p>Zalewski 2:3 3:12</p> <hr/> <p style="text-align: center;">0</p> <hr/> <p style="text-align: center;">1</p> <hr/> <p>100 1:12 104.426 3:19 10th 4:21 12th 5:2 14-day 7:18 14th 4:22 19th 1:13</p> <hr/> <p style="text-align: center;">2</p> <hr/> <p>2:00 1:14 20 6:11 2018 1:14 4:8,11,21 4:22,23 5:2 6:13 6:17 7:11 21st 4:11</p>	<p>22 4:8 24th 6:12 27(b) 6:2 27th 7:10,11</p> <hr/> <p style="text-align: center;">3</p> <hr/> <p>30th 6:17 35 1:4 3:5</p> <hr/> <p style="text-align: center;">4</p> <hr/> <p style="text-align: center;">5</p> <hr/> <p style="text-align: center;">6</p> <hr/> <p style="text-align: center;">7</p> <hr/> <p style="text-align: center;">8</p> <hr/> <p>8th 4:23</p>
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