

ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:  
AMENDMENTS TO MANIFESTING  
REQUIREMENTS: SPECIAL  
WASTE HAULING 35 ILL.  
ADM. CODE 809

TRANSCRIPT OF PROCEEDINGS had at the hearing in the above-entitled cause before HEARING OFFICER DANIEL PAULEY, called by the Illinois Pollution Control Board, before Adrienne M. Lightfoot, C.S.R., for the State of Illinois, 100 West Randolph Street, Room 11-512, Chicago, Illinois, held on June 6, 2019, at the hour of 1:00 p.m. pursuant to notice.

REPORTER:  
Adrienne M. Lightfoot,  
C.S.R. License No. 084-004276

Page 2

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

A P P E A R A N C E S

MS. MARIE E. TIPSORD, (General Counsel)

MS. BARBARA FLYNN CURRIE, (Board Member)

MR. ANAND RAO, (Technical Unit)

MS. ALISA LIU, (Technical Unit)

Via Videoconference:

MR. DANIEL PAULEY, (Hearing Officer)

MS. BRENDA CARTER, (Board Member)

ALSO PRESENT:

MS. CARA SIMAGA, (Stericycle)

MS. ASHLEY RENKOR, (Legal Intern)

1 HEARING OFFICER PAULEY: Good afternoon, and  
2 welcome to this Illinois Pollution Control Board  
3 Hearing. My name is Daniel Pauley, and I am the  
4 Hearing Officer for this rules-making proceeding  
5 entitled "Amendments Manifesting Requirements Special  
6 Waste Hauling 35 Illinois Admin Code 809."

7 The Board Docket Number for this  
8 Rule-Making is R1918. First, you are aware, of course  
9 that the Board is conducting this hearing under  
10 Sections 101.600.B and 102.114 of this procedural rules  
11 as a video conference hearing.

12 The Board thanks you in advance for your  
13 flexibility in taking advantage of the economics and  
14 the efficiencies that result in the use of this  
15 technology.

16 Present today in from the Board in  
17 Springfield with me is Board Member Brenda Carter.

18 MS. CARTER: Good afternoon.

19 HEARING OFFICER PAULEY: And in Chicago Board  
20 Member Barbara Flynn Currie, the assigned Board Member  
21 for this rule meeting, General Counsel, Marie Tipsord.  
22 And from the Board's Technical Unit, Anand Rao and  
23 Alisa Liu. And we have Ashley Renkor, an intern with  
24 the Board.

Page 4

1                   And am I missing anybody else off camera  
2 there?

3                   MS. TIPSORD: No. That's it.

4                   HEARING OFFICER PAULEY: This hearing is  
5 governed by the Board's procedural rules under Section  
6 104.426 of those rules. All information that is  
7 relevant and that is not repetitious or privileged will  
8 be admitted into the record.

9                   Please bear in mind that any questions  
10 posed today by the Board and its staff are intended  
11 solely to help develop a clear and complete record for  
12 the Board's decision and do not reflect any prejudgment  
13 of the proposal, testimony or other questions.

14                   For the sake of our court reporter in  
15 Chicago, please speak clearly and avoid speaking at the  
16 same time as another person so that the transcript is  
17 clear.

18                   A quick background to this rule-making,  
19 the agency filed this rule-making proposal with the  
20 Board on November 27, 2018 in an order dated  
21 January 17, 2019. The Board accepted the proposal for  
22 hearing.

23                   The first hearing took place on May 9,  
24 2019 between Chicago and Springfield via a

1 videoconference. In an order dated March 19, 2019 the  
2 Hearing Officer directed participates to prefile  
3 testimony for this hearing on or before Thursday May  
4 23, 2019.

5 The Board has received no prefiled  
6 testimony for this hearing. The Board did receive  
7 three public comments. PC1, from the Illinois  
8 Association of Waste Water Agencies, PC2 from  
9 Stericycle, Inc., and PC3 from Illini Environmental,  
10 Inc.

11 The Board appreciates the comments and  
12 attention to the issues raised which clarify the record  
13 for all of the participates, and those comments will be  
14 part of the record.

15 Under Section 102.424G of the Board's  
16 procedural rules, testimony that is not prefiled is  
17 allowed as time permits and where it will not prejudice  
18 another participant. After the end of any testimony  
19 and questions based upon it, any persons wishing to  
20 offer other comment may do so as time permits.

21 There's a sheet inside the door of each  
22 location on which anyone can indicate that they would  
23 like to offer a brief spoken comment today. I'll ask  
24 one of my staff colleagues in Chicago to help with

Page 6

1 anyone there who would like to comment. Any questions  
2 about procedures?

3 So he moving on to testimony and public  
4 comments. For the record, is there anyone present here  
5 today who did not prefile testimony but does wish to  
6 offer testimony?

7 Anyone in Chicago?

8 MS. TIPSORD: No.

9 THE COURT: Neither seeing nor hearing that  
10 anyone does, is there anyone present who wishes to  
11 offer a comment on the proposal?

12 Anyone in Chicago?

13 MS. TIPSORD: No.

14 HEARING OFFICER PAULEY: Neither seeing nor  
15 hearing that anyone does, let's move on to the issue of  
16 Economic Impact Study. Section 27B of the  
17 Environmental Protection Act provides that the Board  
18 must request that the Department of Commerce and  
19 Economic Opportunity conduct an economic impact study  
20 of proposed rules before the Board adopts the rules.

21 The Board must make either the Economic  
22 Impact Study o,r, the Department's explanation for not  
23 conducting one available to the public at least 20 days  
24 before a public hearing.

1           In a letter dated March 19, 2019, the  
2 Board's chairman, Katie Papadimitriou, requested that  
3 DCEO conducted an Economic Impact Study of this  
4 rule-making proposal. The Board specifically requested  
5 a response no later than April 30, 2019. The Board  
6 received no response from DCEO to this request.

7           Is there anyone present today who would  
8 like to testify regarding the Board's request for a  
9 study in DCEO's response?

10           Anyone in Chicago?

11           MS. TIPSORD: No.

12           HEARING OFFICER PAULEY: Neither seeing nor  
13 hearing any, let me, again, let me again, quickly  
14 determine whether there is present anyone either in  
15 Springfield or Chicago who wishes to testify or comment  
16 today.

17           So let's go off the record for just a  
18 second.

19           (WHEREUPON, off the record.)

20           HEARING OFFICER PAULEY: So we'll go back on  
21 the record. Thank you.

22           So we just discussed procedural issues  
23 off the record. And copies of the transcript are  
24 expected to be available at the Board by Thursday at

June 6, 2019

Page 8

1 6/13/19. Once it is filed with the Board, the  
2 transcript will be posted promptly to the Board's  
3 website under this docket number, R1918.

4 Before it takes action on an agency  
5 proposal, the Board will hold open a post-hearing  
6 comment period ending June 27, 2019, which is 14 days  
7 from the date of receipt of the transcript.

8 Filings with the Board, whether paper or  
9 electronic, must also be served on the Hearing Officer  
10 and on those persons on the service list. Before  
11 filing, please check on COOL, the Clerk's office online  
12 system or with the Board's clerk to ensure that you  
13 have the most recent version of the service list.

14 Are there any other matters that need to  
15 be discussed at this time?

16 Seeing none, I would like to thank  
17 everyone for participating today. The second final  
18 hearing is adjourned.

19 (WHEREUPON, the Proceedings  
20 adjourned.)

21  
22  
23  
24



1 STATE OF ILLINOIS )  
2 ) SS:  
3 COUNTY OF C O O K )

4 I ADRIENNE M. LIGHTFOOT, Certified  
5 Shorthand Reporter and Notary Public in and for the  
6 County of Cook, State of Illinois, do hereby certify  
7 that I caused to be reported in shorthand and  
8 thereafter transcribed the foregoing transcript of  
9 proceedings.

10 I further certify that the foregoing is a  
11 true, accurate and complete transcript of my shorthand  
12 notes so taken as aforesaid; and further, that I am not  
13 counsel for nor in any way related to any of the  
14 parties to this action, nor am I in any way interested  
15 in the outcome thereof.

16 IN TESTIMONY WHEREOF, I have hereunto set  
17 my hand this 10th day of June 2019.

18  
19 \_\_\_\_\_  
20 Adrienne M. Lightfoot  
21 No. 084-004276  
22 Certified Shorthand Reporter  
23 Notary Public  
24

June 6, 2019

<p style="text-align: center;"><b>A</b></p> <p><b>above-entitled</b> 1:12  <b>accepted</b> 4:21  <b>accurate</b> 9:11  <b>Act</b> 6:17  <b>action</b> 8:4 9:14  <b>adjourned</b> 8:18,20  <b>ADM</b> 1:8  <b>Admin</b> 3:6  <b>admitted</b> 4:8  <b>adopts</b> 6:20  <b>Adrienne</b> 1:14,20  9:4,20  <b>advance</b> 3:12  <b>advantage</b> 3:13  <b>aforsaid</b> 9:12  <b>afternoon</b> 3:1,18  <b>Agencies</b> 5:8  <b>agency</b> 4:19 8:4  <b>Alisa</b> 2:7 3:23  <b>allowed</b> 5:17  <b>Amendments</b> 1:5  3:5  <b>Anand</b> 2:6 3:22  <b>anybody</b> 4:1  <b>appreciates</b> 5:11  <b>April</b> 7:5  <b>Ashley</b> 2:15 3:23  <b>assigned</b> 3:20  <b>Association</b> 5:8  <b>attention</b> 5:12  <b>available</b> 6:23 7:24  <b>avoid</b> 4:15  <b>aware</b> 3:8</p> <hr/> <p style="text-align: center;"><b>B</b></p> <p><b>back</b> 7:20  <b>background</b> 4:18  <b>Barbara</b> 2:5 3:20  <b>based</b> 5:19  <b>bear</b> 4:9  <b>Board</b> 1:2,14 2:5  2:11 3:2,7,9,12,16  3:17,19,20,24  4:10,20,21 5:5,6</p>	<p>5:11 6:17,20,21  7:4,5,24 8:1,5,8  <b>Board's</b> 3:22 4:5,12  5:15 7:2,8 8:2,12  <b>Brenda</b> 2:11 3:17  <b>brief</b> 5:23</p> <hr/> <p style="text-align: center;"><b>C</b></p> <p><b>C</b> 2:2 9:2  <b>C.S.R</b> 1:14,21  <b>called</b> 1:13  <b>camera</b> 4:1  <b>CARA</b> 2:14  <b>Carter</b> 2:11 3:17,18  <b>cause</b> 1:12  <b>caused</b> 9:7  <b>Certified</b> 9:4,21  <b>certify</b> 9:6,10  <b>chairman</b> 7:2  <b>check</b> 8:11  <b>Chicago</b> 1:16 3:19  4:15,24 5:24 6:7  6:12 7:10,15  <b>clarify</b> 5:12  <b>clear</b> 4:11,17  <b>clearly</b> 4:15  <b>clerk</b> 8:12  <b>Clerk's</b> 8:11  <b>Code</b> 1:8 3:6  <b>colleagues</b> 5:24  <b>comment</b> 5:20,23  6:1,11 7:15 8:6  <b>comments</b> 5:7,11  5:13 6:4  <b>Commerce</b> 6:18  <b>complete</b> 4:11 9:11  <b>conduct</b> 6:19  <b>conducted</b> 7:3  <b>conducting</b> 3:9  6:23  <b>conference</b> 3:11  <b>Control</b> 1:2,14 3:2  <b>Cook</b> 9:6  <b>COOL</b> 8:11  <b>copies</b> 7:23</p>	<p><b>counsel</b> 2:4 3:21  9:13  <b>County</b> 9:2,6  <b>course</b> 3:8  <b>court</b> 4:14 6:9  <b>Currie</b> 2:5 3:20</p> <hr/> <p style="text-align: center;"><b>D</b></p> <p><b>Daniel</b> 1:13 2:10  3:3  <b>date</b> 8:7  <b>dated</b> 4:20 5:1 7:1  <b>day</b> 9:17  <b>days</b> 6:23 8:6  <b>DCEO</b> 7:3,6  <b>DCEO's</b> 7:9  <b>decision</b> 4:12  <b>Department</b> 6:18  <b>Department's</b> 6:22  <b>determine</b> 7:14  <b>develop</b> 4:11  <b>directed</b> 5:2  <b>discussed</b> 7:22 8:15  <b>docket</b> 3:7 8:3  <b>door</b> 5:21</p> <hr/> <p style="text-align: center;"><b>E</b></p> <p><b>E</b> 2:2,2,4  <b>economic</b> 6:16,19  6:19,21 7:3  <b>economics</b> 3:13  <b>efficiencies</b> 3:14  <b>either</b> 6:21 7:14  <b>electronic</b> 8:9  <b>ensure</b> 8:12  <b>entitled</b> 3:5  <b>Environmental</b> 5:9  6:17  <b>expected</b> 7:24  <b>explanation</b> 6:22</p> <hr/> <p style="text-align: center;"><b>F</b></p> <p><b>filed</b> 4:19 8:1  <b>filing</b> 8:11  <b>Filings</b> 8:8  <b>final</b> 8:17</p>	<p><b>first</b> 3:8 4:23  <b>flexibility</b> 3:13  <b>Flynn</b> 2:5 3:20  <b>foregoing</b> 9:8,10  <b>further</b> 9:10,12</p> <hr/> <p style="text-align: center;"><b>G</b></p> <p><b>General</b> 2:4 3:21  <b>go</b> 7:17,20  <b>Good</b> 3:1,18  <b>governed</b> 4:5</p> <hr/> <p style="text-align: center;"><b>H</b></p> <p><b>hand</b> 9:17  <b>Hauling</b> 1:7 3:6  <b>hearing</b> 1:12,12  2:10 3:1,3,4,9,11  3:19 4:4,4,22,23  5:2,3,6 6:9,14,15  6:24 7:12,13,20  8:9,18  <b>held</b> 1:16  <b>help</b> 4:11 5:24  <b>hereunto</b> 9:16  <b>hold</b> 8:5  <b>hour</b> 1:17</p> <hr/> <p style="text-align: center;"><b>I</b></p> <p><b>ILL</b> 1:7  <b>Illini</b> 5:9  <b>Illinois</b> 1:2,13,15  1:16 3:2,6 5:7 9:1  9:6  <b>impact</b> 6:16,19,22  7:3  <b>indicate</b> 5:22  <b>information</b> 4:6  <b>inside</b> 5:21  <b>intended</b> 4:10  <b>interested</b> 9:14  <b>intern</b> 2:15 3:23  <b>issue</b> 6:15  <b>issues</b> 5:12 7:22</p> <hr/> <p style="text-align: center;"><b>J</b></p> <p><b>January</b> 4:21</p>	<p><b>June</b> 1:16 8:6 9:17</p> <hr/> <p style="text-align: center;"><b>K</b></p> <p><b>K</b> 9:2  <b>Katie</b> 7:2</p> <hr/> <p style="text-align: center;"><b>L</b></p> <p><b>Legal</b> 2:15  <b>let's</b> 6:15 7:17  <b>letter</b> 7:1  <b>License</b> 1:21  <b>Lightfoot</b> 1:14,20  9:4,20  <b>list</b> 8:10,13  <b>Liu</b> 2:7 3:23  <b>location</b> 5:22</p> <hr/> <p style="text-align: center;"><b>M</b></p> <p><b>M</b> 1:14,20 9:4,20  <b>Manifesting</b> 1:5 3:5  <b>March</b> 5:1 7:1  <b>Marie</b> 2:4 3:21  <b>MATTER</b> 1:4  <b>matters</b> 8:14  <b>meeting</b> 3:21  <b>Member</b> 2:5,11  3:17,20,20  <b>mind</b> 4:9  <b>missing</b> 4:1  <b>move</b> 6:15  <b>moving</b> 6:3</p> <hr/> <p style="text-align: center;"><b>N</b></p> <p><b>N</b> 2:2  <b>name</b> 3:3  <b>need</b> 8:14  <b>Neither</b> 6:9,14 7:12  <b>Notary</b> 9:5,21  <b>notes</b> 9:12  <b>notice</b> 1:17  <b>November</b> 4:20  <b>number</b> 3:7 8:3</p> <hr/> <p style="text-align: center;"><b>O</b></p> <p><b>O</b> 9:2,2  <b>o,r</b> 6:22</p>
--	---	---	---	--

<p><b>offer</b> 5:20,23 6:6,11  <b>office</b> 8:11  <b>Officer</b> 1:13 2:10  3:1,4,19 4:4 5:2  6:14 7:12,20 8:9  <b>Once</b> 8:1  <b>online</b> 8:11  <b>open</b> 8:5  <b>Opportunity</b> 6:19  <b>order</b> 4:20 5:1  <b>outcome</b> 9:15</p> <hr/> <p style="text-align: center;"><b>P</b></p> <hr/> <p><b>P</b> 2:2,2  <b>p.m</b> 1:17  <b>Papadimitriu</b> 7:2  <b>paper</b> 8:8  <b>part</b> 5:14  <b>participant</b> 5:18  <b>participates</b> 5:2,13  <b>participating</b> 8:17  <b>parties</b> 9:14  <b>Pauley</b> 1:13 2:10  3:1,3,19 4:4 6:14  7:12,20  <b>PC1</b> 5:7  <b>PC2</b> 5:8  <b>PC3</b> 5:9  <b>period</b> 8:6  <b>permits</b> 5:17,20  <b>person</b> 4:16  <b>persons</b> 5:19 8:10  <b>place</b> 4:23  <b>please</b> 4:9,15 8:11  <b>Pollution</b> 1:2,13  3:2  <b>posed</b> 4:10  <b>post-hearing</b> 8:5  <b>posted</b> 8:2  <b>prefile</b> 5:2 6:5  <b>prefiled</b> 5:5,16  <b>prejudgment</b> 4:12  <b>prejudice</b> 5:17  <b>present</b> 2:13 3:16  6:4,10 7:7,14</p>	<p><b>privileged</b> 4:7  <b>procedural</b> 3:10  4:5 5:16 7:22  <b>procedures</b> 6:2  <b>proceeding</b> 3:4  <b>proceedings</b> 1:11  8:19 9:9  <b>promptly</b> 8:2  <b>proposal</b> 4:13,19  4:21 6:11 7:4 8:5  <b>proposed</b> 6:20  <b>Protection</b> 6:17  <b>provides</b> 6:17  <b>public</b> 5:7 6:3,23  6:24 9:5,21  <b>pursuant</b> 1:17</p> <hr/> <p style="text-align: center;"><b>Q</b></p> <hr/> <p><b>questions</b> 4:9,13  5:19 6:1  <b>quick</b> 4:18  <b>quickly</b> 7:13</p> <hr/> <p style="text-align: center;"><b>R</b></p> <hr/> <p><b>R</b> 2:2  <b>R1918</b> 3:8 8:3  <b>raised</b> 5:12  <b>Randolph</b> 1:15  <b>Rao</b> 2:6 3:22  <b>receipt</b> 8:7  <b>receive</b> 5:6  <b>received</b> 5:5 7:6  <b>record</b> 4:8,11 5:12  5:14 6:4 7:17,19  7:21,23  <b>reflect</b> 4:12  <b>regarding</b> 7:8  <b>related</b> 9:13  <b>relevant</b> 4:7  <b>Renkor</b> 2:15 3:23  <b>repetitious</b> 4:7  <b>reported</b> 9:7  <b>reporter</b> 1:20 4:14  9:5,21  <b>request</b> 6:18 7:6,8</p>	<p><b>requested</b> 7:2,4  <b>Requirements</b> 1:6  3:5  <b>response</b> 7:5,6,9  <b>result</b> 3:14  <b>Room</b> 1:16  <b>rule</b> 3:21  <b>rule-making</b> 3:8  4:18,19 7:4  <b>rules</b> 3:10 4:5,6  5:16 6:20,20  <b>rules-making</b> 3:4</p> <hr/> <p style="text-align: center;"><b>S</b></p> <hr/> <p><b>S</b> 2:2  <b>sake</b> 4:14  <b>second</b> 7:18 8:17  <b>Section</b> 4:5 5:15  6:16  <b>Sections</b> 3:10  <b>seeing</b> 6:9,14 7:12  8:16  <b>served</b> 8:9  <b>service</b> 8:10,13  <b>set</b> 9:16  <b>sheet</b> 5:21  <b>shorthand</b> 9:5,7,11  9:21  <b>SIMAGA</b> 2:14  <b>solely</b> 4:11  <b>speak</b> 4:15  <b>speaking</b> 4:15  <b>Special</b> 1:6 3:5  <b>specifically</b> 7:4  <b>spoken</b> 5:23  <b>Springfield</b> 3:17  4:24 7:15  <b>SS</b> 9:1  <b>staff</b> 4:10 5:24  <b>State</b> 1:15 9:1,6  <b>Stericycle</b> 2:14 5:9  <b>Street</b> 1:15  <b>study</b> 6:16,19,22  7:3,9  <b>system</b> 8:12</p>	<hr/> <p style="text-align: center;"><b>T</b></p> <hr/> <p><b>taken</b> 9:12  <b>takes</b> 8:4  <b>Technical</b> 2:6,7  3:22  <b>technology</b> 3:15  <b>testify</b> 7:8,15  <b>testimony</b> 4:13 5:3  5:6,16,18 6:3,5,6  9:16  <b>thank</b> 7:21 8:16  <b>thanks</b> 3:12  <b>thereof</b> 9:15  <b>three</b> 5:7  <b>Thursday</b> 5:3 7:24  <b>time</b> 4:16 5:17,20  8:15  <b>Tipsord</b> 2:4 3:21  4:3 6:8,13 7:11  <b>today</b> 3:16 4:10  5:23 6:5 7:7,16  8:17  <b>transcribed</b> 9:8  <b>transcript</b> 1:11  4:16 7:23 8:2,7  9:8,11  <b>true</b> 9:11</p> <hr/> <p style="text-align: center;"><b>U</b></p> <hr/> <p><b>Unit</b> 2:6,7 3:22  <b>use</b> 3:14</p> <hr/> <p style="text-align: center;"><b>V</b></p> <hr/> <p><b>version</b> 8:13  <b>video</b> 3:11  <b>videoconference</b>  2:9 5:1</p> <hr/> <p style="text-align: center;"><b>W</b></p> <hr/> <p><b>Waste</b> 1:7 3:6 5:8  <b>Water</b> 5:8  <b>way</b> 9:13,14  <b>we'll</b> 7:20  <b>website</b> 8:3  <b>welcome</b> 3:2</p>	<p><b>West</b> 1:15  <b>WHEREOF</b> 9:16  <b>wish</b> 6:5  <b>wishes</b> 6:10 7:15  <b>wishing</b> 5:19</p> <hr/> <p style="text-align: center;"><b>X</b></p> <hr/> <p style="text-align: center;"><b>Y</b></p> <hr/> <p style="text-align: center;"><b>Z</b></p> <hr/> <p style="text-align: center;"><b>0</b></p> <hr/> <p><b>084-004276</b> 1:21  9:20</p> <hr/> <p style="text-align: center;"><b>1</b></p> <hr/> <p><b>1:00</b> 1:17  <b>100</b> 1:15  <b>101.600.B</b> 3:10  <b>102.114</b> 3:10  <b>102.424G</b> 5:15  <b>104.426</b> 4:6  <b>10th</b> 9:17  <b>11-512</b> 1:16  <b>14</b> 8:6  <b>17</b> 4:21  <b>19</b> 5:1 7:1</p> <hr/> <p style="text-align: center;"><b>2</b></p> <hr/> <p><b>20</b> 6:23  <b>2018</b> 4:20  <b>2019</b> 1:16 4:21,24  5:1,4 7:1,5 8:6  9:17  <b>23</b> 5:4  <b>27</b> 4:20 8:6  <b>27B</b> 6:16</p> <hr/> <p style="text-align: center;"><b>3</b></p> <hr/> <p><b>30</b> 7:5  <b>35</b> 1:7 3:6</p> <hr/> <p style="text-align: center;"><b>4</b></p> <hr/> <p style="text-align: center;"><b>5</b></p>
--	--	--	---	---

<hr/> <b>6</b> <hr/> <b>6</b> 1:16 <b>6/13/19</b> 8:1				
<hr/> <b>7</b> <hr/>				
<hr/> <b>8</b> <hr/> <b>809</b> 1:8 3:6				
<hr/> <b>9</b> <hr/> <b>9</b> 4:23				