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BEFORE THE ILLINOIS POL	LUTION CONTROL BOARD	
IN THE MATTER OF:)	
) No. R21-18	
) (Rulemaking)	
Amendments to 35 Ill. Adm.)	
Code 219, Organic Material)	
Emission Standards for the)	
Metro-East Area, and 35)	
Ill. Adm. Code 211,)	
Definitions and General)	
Provisions)	
	_	

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, RMR, CRR, for the State of Illinois, 100 West Randolph Street, Chicago, Illinois, on the 7th day of January, 2021, commencing at the hour of 9:00 a.m.

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1	APPEARANCES	
2	MR. TIM FOX, Hearing Officer MS. BARBARA FLYNN CURRIE, Chairwoman	
3	MS. MARIE TIPSORD, General Counsel MR. ANAND RAO, Technical Unit	
4	MS. ESSENCE BROWN, Technical Unit MS. SHANNON BILBRUCK	
5	MS. VANESSA HORTON MS. CHLOE CUMMINGS	
6	MR. MARK KAMINSKI MS. CYNTHIA SANTOS	
7	MR. CHARLES MATOESIAN	
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1 HEARING OFFICER FOX: The time is 2 9:00 having come, I'd like to begin this hearing 3 promptly. Good morning and welcome all of you to this Illinois Pollution Control Board hearing. 4 5 My name is Tim Fox and I'm the Hearing Officer for this proceeding entitled 6 7 Amendments to 35 Ill. Adm. Code 219, Organic Material Emission Standards for the Metro East 8 Area and 35 Ill. Adm. Code 211, Definitions and 9 General Provisions. The Board docket number for 10 11 this rulemaking is R21-18. 12 Before we get to the substance 13 of these proposed rules, I quickly want to go through four very basic things; introductions, 14 15 technical information, recent procedure in this 16 docket and then housekeeping including the order 17 in which we can proceed this morning. First, introductions. Present 18 19 today from the Board are Board member Cynthia 20 Santos who is the lead Board member assigned to this document. Also present from the Board are 21 22 the following staff members: Our General Counsel 23 Marie Tipsord who is assisting as host for our 24 Webex feed, also Board attorneys Mark Kaminski and

Page 4 1 Chloe Cummings. In addition, the Board's 2 Technical Unit Anand Rao and Essence Brown are 3 present with us and in Springfield to coordinate that location for this hearing is our rules 4 coordinator Shannon Bilbruck. 5 6 Second, technical information 7 before we go any further. Due to COVID-19, in addition to physical locations for this hearing 8 here in the Board's Chicago video conference room 9 and in the Springfield video conference room, we 10 11 have allowed Webex participation both through phone and computer. 12 13 For those participating by Webex either by phone or using the Call Me feature 14 15 for -- for sound, if you wish to speak during the 16 hearing, please take your phone off of 17 speakerphone and speak into the phone as that will produce a much clearer sound for all of the other 18 19 participants. If you wish to speak, you will need 20 to unmute yourself. Each person entering the Webex 21 feed will be muted upon entry. If you are 22 23 participating through a computer, you may unmute 24 yourself by clicking the microphone icon and if

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you are participating through a phone, you need to press Star 6 on your keypad to unmute yourself.

2.

When we respond to one another, please bear in mind that there may be a slight delay in the Webex video and for the benefit of our court reporter, please speak clearly and avoid speaking at the same time as another person so that we produce a clear transcript. Finally, we are recording the Webex feed to assist our court reporter. Once the Board receives the transcript, we will post it to our clerk's office online, or COOL, and then destroy the recording.

Third issue, our recent procedure, the Board held, of course, its first hearing in this matter on Thursday, December 10 of 2020. While the deadline to pre-file testimony for this second hearing was December 30, 2020, no participant pre-filed testimony.

A Hearing Officer order also set December 30 as the deadline to respond to IEPAs December 9 motion to amend its proposal. No participant, however, filed a response. On January 6, 2020, forgive me -- the Hearing Officer order also set December 30 as the deadline for

Page 6 1 IEPA to file responses to questions raised during the first hearing. The Board did receive IEPAs 2. 3 responses on that date. I do want to note on 4 January 6, yesterday, the Board received a comment 5 from The Boeing Company which is docketed as 6 public comment number three. 7 The first two public comments both consist of e-mail correspondence between the 8 Board and the staff of the General Assembly's 9 Joint Committee on Administrative Rules or JCAR. 10 11 Finally, our housekeeping for 12 today, this hearing is governed by the Board's 13 procedural rules. Under Section 104.426 of those rules, all information that is relevant and that 14 15 is not repetitious or privileged will be admitted into the record. Please do bear in mind that any 16 questions posed today by the Board or its staff 17 18 are intended solely to help develop a clear and 19 complete record for the Board's decisionmaking and 20 they do not reflect any decision on the proposal, the testimony, comment or questions. 21 22 Also, please note that the Board today has a regular meeting scheduled at 11:00 23 24 If it becomes necessary to do so, the Board a.m.

Page 7 1 intends to recess this hearing to conduct the 2. scheduled meeting and then resume as soon as it 3 can. As I mentioned, no participant 4 pre-filed testimony for this hearing. 5 6 confirm, first of all, whether there's a witness 7 who wishes to testify today without having pre-filed testimony. We can then see whether any 8 9 participant wishes to comment on the proposed rules. 10 11 There will also be an 12 opportunity for any participant to offer testimony 13 or comments specifically on the Board's request that the Department of Commerce and Economic 14 15 Opportunity, or DCEO, perform an Economic Impact 16 Study of the proposal. 17 We can then, again, determine 18 whether there is any participant who would like to 19 testify or comment. Are there any questions about 20 our proceeding before we get underway? You will need to unmute yourself. We will give you a 21 22 second to take care of that if you need it. However, neither seeing nor 23 24 hearing any indication that a participant wishes

Page 8 1 either to testify or to offer a public comment on 2. the proposal at this time, I would like to 3 proceed. 4 Mr. Matoesian, we know you have, 5 of course, filed an appearance for the IEPA and 6 the Board does have one question for the Agency. 7 If we -- if you have a witness that we may need to swear in, we can do that. We can also see whether 8 it's an issue that IEPA would like to respond to 9 it in writing. 10 11 Let me pose it to you this way. 12 In its responses filed on December 30 of 2020, the 13 Agency addressed the compliance date that it had originally proposed and indicated that it "Intends 14 15 to recommend a more suitable date following the 16 second hearing, " which we're, of course, holding 17 today. Mr. Davis also addressed this issue during the first hearing in response to a question on 18 19 behalf of Premier Air Center. 20 As the proponent, would the Agency object if during JCAR's second notice 21 22 review, the Board agreed to a specific compliance 23 date that is the same as the date that any rules 24 would take effect?

	Page 9					
1	Does the Agency have a position					
2	on that question, Mr. Matoesian?					
3	MS. TIPSORD: He was muted.					
4	HEARING OFFICER FOX: Mr. Matoesian,					
5	we would be eager to hear your response, but we					
6	believe you will have to unmute yourself by					
7	hitting Star 6 since you're participating by					
8	phone.					
9	MR. MATOESIAN: Hello?					
10	HEARING OFFICER FOX: Yes.					
11	MR. MATOESIAN: I don't believe we					
12	would have any objection. I'm not sure Mr. Davis					
13	is here today. So I suppose we would not object					
14	to that, but I really should check with management					
15	first. So maybe we should do that in post-hearing					
16	comment.					
17	HEARING OFFICER FOX: Excellent. We					
18	will, of course, before we adjourn, address the					
19	issue of a deadline for post-hearing comments, but					
20	particularly because we had reached the point at					
21	which you were prepared to suggest a date, the					
22	Board wanted to raise that question with you.					
23	Is that an issue thank you					
24	for thank you for your response, Mr. Matoesian.					

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Is that date an issue on which any of the other participants who are present on the call would like to be heard? I am not seeing or hearing a response, but if you do need to unmute, we can give you a moment to. Neither seeing nor hearing any, Mr. Matoesian, thank you again. We will await the Agency's response according to the deadline that we can, of course, discuss probably in just a moment.

For the record, I would like the court reporter to reflect that we have been joined and were joined a moment ago by the Board's Chair Barbara Flynn Currie and we welcome her to this hearing. And we also have been joined by Board attorney Vanessa Horton if the record would reflect that, please.

on to the issue of an Economic Impact Study. I want to stress that under Section 27(b) of the Environmental Protection Act the Board must request that DCEO conduct an Economic Impact Study of proposed rules before the Board adopts them.

The Board must then make either the study or the department's explanation for not conducting one

Page 11 1 available to the public at least 20 days before a 2. public hearing. 3 In a letter dated October 15, 4 2020, Board Chair Barbara Flynn Currie requested 5 that DCEO conduct an Economic Impact Study of this 6 proposal and specifically requested a response no 7 later than November 30 of 2020. The Board did not 8 receive a response to this request from DCEO. 9 Is there anyone present today who would like to testify regarding either the 10 11 Board's request for a study or DCEO's response to 12 it. Please recall that you would need to unmute 13 yourself. 14 Neither seeing nor hearing any 15 indication that anyone does wish to address that, 16 let me again determine quickly whether there is 17 anyone present today, either Ms. Bilbruck in Springfield or here in Chicago on Webex, who 18 19 wishes either to provide testimony on the proposal 20 or provide a public comment upon it and, again, please remember that you may need to unmute 21 22 yourself. 23 MS. BILBRUCK: Nobody is present in 24 Springfield.

Page 12 1 HEARING OFFICER FOX: Thank you, 2 Ms. Bilbruck. We can see an empty room from here 3 after all. Neither seeing nor hearing any 4 indication that we have a witness or commenter, 5 why don't we go off the record for just a moment 6 to discuss a procedural issue or two. 7 (Whereupon, a break was taken after which the following 8 proceedings were had.) 9 HEARING OFFICER FOX: We are back on 10 11 the record after a brief discussion of procedural 12 matters in this docket. Copies of this transcript 13 are expected to be available -- expected to be 14 available at the Board by tomorrow, Friday, 15 January 8. 16 Once it is filed with the Board, 17 that transcript will, of course, be posted 18 promptly to the Board's website under this Docket Number R21-18. Before it takes action on the 19 20 Agency's proposal, the Board will hold open a post-hearing comment period and those post-hearing 21 22 comments will be due seven days after the Board 23 receives this transcript. 24 When the Board receives the

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transcript, whether as expected on Friday the 8th or on a subsequent day, I will issue a brief Hearing Officer order that confirms that seven-day deadline for submitting post-hearing comments.

Filings with the Board I want to stress, whether paper or electronic, must also be served on the Hearing Officer and participants on the Board's service list. Please before filing check on COOL or with the Board's clerk to ensure that you have the most recent version of the service list.

Are there any other matters that any of the participants wish to address at this time before we adjourn? Again, please unmute yourself if you would -- would wish to speak. I am neither seeing nor hearing any indication that we have any further issues to address. Please look for the Hearing Officer order which will clarify/specify the deadline for post-hearing comments.

With that, we can adjourn and I thank all of you for your involvement and your participation in this hearing. Best wishes to everyone.

Page 14 1 BEFORE THE ILLINOIS POLLUTION CONTROL BOARD 2 3 I, Steven Brickey, Certified Shorthand Reporter, do hereby certify that I reported in 4 5 shorthand the proceedings had at the trial 6 aforesaid, and that the foregoing is a true, 7 complete and correct transcript of the proceedings 8 of said trial as appears from my stenographic 9 notes so taken and transcribed under my personal direction. 10 Witness my official signature in and for 11 12 Cook County, Illinois, on this _____ day of 13 _____, A.D., 2021. 14 15 16 17 18 STEVEN BRICKEY, CSR, RMR, CRR 19 8 West Monroe Street Suite 2007 20 Chicago, Illinois 60603 Phone: (312) 419-9292 21 CSR No. 084-004675 22 23 24

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