

ILLINOIS POLLUTION CONTROL BOARD
August 15, 2022

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STATE OF ILLINOIS
Pollution Control Board

IN THE MATTER OF:)
)
PROPOSED 35 ILL. ADM. CODE 820) R 23-17
GENERAL CONSTRUCTION OR) (Rulemaking - Land)
DEMOLITION DEBRIS RECOVERY)
FACILITIES)

NOTICE OF HEARINGS

On August 6, 2021, the Governor signed Senate Bill 1089 into law as Public Act 102-310. Among its provisions, Public Act 102-310 added Section 22.38(n) to the Environmental Protection Act (Act). Subsection (n) requires that, within one year of the effective date of P.A. 102-310, the Illinois Environmental Protection Agency (IEPA) must propose to the Board rules for permitting GCDD recovery facilities. Within one year after receiving the proposal from IEPA, the Board must adopt rules. 415 ILCS 5/22.38(n); P.A. 102-310.

On August 1, 2022, IEPA proposed to the Board a new Part 820 of its waste disposal regulations to establish rules for permitting, operating, and closing general construction or demolition debris (GCDD) recovery facilities. On August 11, 2022, the Board accepted the proposal for hearing.

Below, the Board sets a schedule of hearings intended to meet rulemaking requirements and the statutory adoption deadline of Tuesday, August 1, 2023.

DATES, TIMES, AND LOCATIONS:

FIRST HEARING: Tuesday, September 27, 2022, beginning at 9:00 AM

Chestnut Room, Bureau of Land
Second Floor
Illinois Environmental Protection Agency
1021 N. Grand Ave. E., Springfield
Main Entrance

SECOND HEARING: Wednesday, November 16, 2022, beginning at 10:00 AM

Second Floor Board Room
Will County Office Building
302 N. Chicago Street
Joliet

PURPOSE OF HEARINGS: Merit and Economic
PRESIDING BOARD MEMBERS: Cynthia M. Santos and Michelle Gibson
HEARING OFFICER: Timothy Fox and Chloe Salk

HEARING OFFICER ORDER

The Board will conduct two hearings to allow IEPA and any other interested participants to testify and comment on the merits and economic impact of the proposed rule. *See* 415 ILCS 5/28(a) (2020); 35 Ill. Adm. Code 102.412(a).

Hearings and Pre-filed Testimony

Participants pre-filing testimony for either of the two hearings are directed to serve it on all persons on the Service List at the time of pre-filing. *See* 35 Ill. Adm. Code 102.424(c). Before filing any document with the Board's Clerk, please obtain the current version of the Service List through the Clerk's Office On-Line (COOL) on the Board's Web site (<https://pcb.illinois.gov/>) or by calling the Clerk's Office at 312-814-3461. Documents may generally be served by e-mail if the recipient has consented to e-mail service and has not revoked 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).

All persons wishing to testify at either hearing will be sworn in and subject to questioning. 35 Ill. Adm. Code 102.428(a). At both hearings, all pre-filed testimony will be entered into the record as if read. *See* 35 Ill. Adm. Code 102.424(f). A brief introduction or summary of the pre-filed testimony will be allowed if a witness wishes to provide one before responding to questions.

Unless the Board, hearing officer, Clerk, or procedural rules provides otherwise, all documents in this proceeding must be filed electronically through COOL. 35 Ill. Adm. Code 101.302(h), 101.1000(c), 101.Subpart J.

Participants wishing to offer a public comment will be allowed to do so as time allows before the end of a hearing. Participants may also file post-hearing comments electronically. *See* 35 Ill. Adm. Code 102.108(b).

First Hearing

Participants who intend to testify at the first hearing are directed to pre-file all of their testimony and related exhibits no later than Tuesday, September 6, 2022. *See* 35 Ill. Adm. Code 102.424(a). Pre-filed questions based on that testimony must be filed by Tuesday, September 20, 2022.

Although Section 27 of the Act (415 ILCS 5/27 (2020)) does not set the order of the hearing, the hearing officers intend to begin the first hearing with any testimony pre-filed by IEPA as the proponent and then continue with any other witnesses who pre-filed testimony for it. *See* 35 Ill. Adm. Code 102.428(c). After those witnesses have testified and responded to questions, participants who did not pre-file testimony may testify as time allows.

Second Hearing

Participants who intend to testify at the second hearing are directed to pre-file all of their testimony and related exhibits no later than Wednesday, October 26, 2022. *See* 35 Ill. Adm. Code 102.424(a). Pre-filed questions based on that testimony must be filed by Wednesday, November 9, 2022.

The hearing officer intends to begin the second hearing with any participants who pre-filed testimony for the first hearing but were not able to testify and respond to questions before the end of that hearing. Next, participants who pre-filed testimony for the second hearing will present that testimony and respond to questions. Participants who did not pre-file testimony for the second hearing will be allowed to testify and respond to questions as time permits. *See* 35 Ill. Adm. Code 104.424(g).

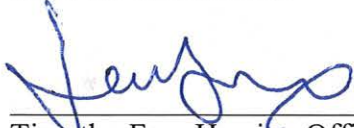
In a letter dated August 11, 2022, the Board's Chair requested that the Department of Commerce and Economic Opportunity (DCEO) conduct an economic impact study of the amended proposal and respond to the request by Monday, September 26, 2022. *See* 415 ILCS 5/27(b) (2020). At the second hearing, the Board also will receive testimony on any study conducted by DCEO or on DCEO's decision not to conduct one.

Service and Notice Lists

The Board has established and will maintain both a Notice List and Service List for this proceeding. 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. *See* 35 Ill. Adm. Code 102.422(b).

Note that any interested person may request electronic notice of filings by providing an e-mail address through COOL under this docket number R 23-17. 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 web site.

IT IS SO ORDERED.



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