

1 ILLINOIS POLLUTION CONTROL BOARD

2

3 IN THE MATTER OF

4 AMENDMENTS TO 35 ILLINOIS ADMINISTRATIVE CODE

5 SUBTITLE B

6 DOCKET NO. R18-21

7

8

9 REPORT OF PROCEEDINGS had in the

10 above-entitled hearing before Hearing Officer

11 Tim Fox, at Michael A. Bilandic Building,

12 160 North LaSalle Street, Room N-505, Chicago,

13 Illinois, on November 7, 2024, at the hour of

14 9:00 a.m.

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23 Reported By: Pamela S. Morgan

24 CSR License No. 084-001687

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APPEARANCES:

HEARING OFFICER TIM FOX
tim.fox@illinois.gov

BOARD MEMBER JENNIFER VAN WIE

BOARD STAFF ATTORNEY DANIEL PAULEY

1 HEARING OFFICER FOX: Good morning and welcome
2 to this Illinois Pollution Control Board hearing.

3 My name is Tim Fox, and I am the assigned
4 hearing officer for this rulemaking proceeding
5 entitled, quote, "Amendments to 35 Illinois
6 Administrative Code Subtitle B," close quote, the
7 Board's Air Pollution Rules. The Board docket for
8 this number is R18-21.

9 I want, quickly, to go through three
10 preliminary items this morning. First of all,
11 introductions. Secondly, a brief summary of our
12 procedure to-date. And finally, the proposed
13 order of the hearing.

14 First introductions. Present today from
15 the Board at my left is Board member
16 Jennifer Van Wie, and also in our audience is
17 Board staff attorney Daniel Pauley.

18 Second, a quick summary of our procedure.
19 On January 10th of 2018, the Illinois
20 Environmental Protection Agency filed a rulemaking
21 proposal under the governor's Executive Order
22 16-13. That order directed state agencies to
23 review their rules, determine which are outdated,
24 repetitive, confusing, unnecessary, or harmful to

1 the state's economy, and the order all also
2 directed the agencies to amend or repeal those
3 regulations as necessary.

4 IEPA proposed numerous changes to
5 numerous subtitles of the Board's rules, including
6 Subtitle B, Air rule.

7 At that time the Board had also begun its
8 own review of its rules.

9 On February 8th of 2018, the Board
10 accepted IEPA's proposal for hearing.

11 And on March 22nd, 2018, the Board opened
12 eight additional rulemaking dockets to separately
13 consider each of the other subtitles of the
14 Board's rules, but it continued in this docket,
15 R18-21, to consider only amendment to the
16 Subtitle B Air rule.

17 On June 6th of this year, 2024, the Board
18 adopted a proposal for public comment which
19 requested comment both generally and on 167
20 specific matters.

21 In an order on June 12th of 2024, the
22 hearing officer scheduled two hearings, the first
23 of which took place on October 3rd, 2024, in
24 Springfield. We're, of course, holding the second

1 hearing today.

2 The Board published notice of the two
3 hearings in 11 newspapers in the various regions
4 of the state, that notice occurring between
5 July 10th and July 17th of this year.

6 The June 12th, 2024, hearing officer
7 order directed participants intending to testify
8 at this hearing today to pre-file their testimony
9 and any related exhibits by Thursday, October 31st
10 of 2024. The Board did not receive any
11 testimony -- pre-filed testimony for hearing by
12 that deadline or since.

13 I do want to note that on November 4th,
14 the Illinois Environmental Protection Agency filed
15 a second public comment -- designated public
16 comment No. 11.

17 And I know the Board on the record would
18 like to acknowledge the agency's time and effort
19 addressing the issues raised in this hearing, and
20 we appreciate your continued careful review and
21 your additional comment on the proposal, which is,
22 of course, now in the record for the Board's
23 decision as it proceeds -- whether to proceed with
24 a first notice proposal in this docket.

1 Finally, I want to address third -- as a
2 third matter, our proposed order for this hearing.
3 We can begin with anyone who indicates that they
4 would like to offer a public comment, then we can
5 proceed to see if there was anyone who did not
6 pre-file testimony but would like to offer
7 testimony here today. After we've made that
8 determination, we can see, again, whether there's
9 anyone who wishes to comment before we adjourn.

10 Finally, we do need to address the
11 requirement that the Board request an economic
12 impact study.

13 Generally, of course, this hearing is
14 governed by the Board's procedural rules, all
15 information that is relevant, and that it is not
16 repetitious or privileged, will be admitted into
17 the record.

18 Please do bear in mind that any questions
19 posed here today by the Board or its staff are
20 intended solely to help develop a clear and
21 complete record for the Board's decision making
22 and do not reflect any decision of the proposal,
23 testimony, comments, or questions that are
24 offered.

1 For the sake of our court reporter,
2 please speak clearly and avoid speaking at the
3 same time as any other person so that we can have
4 a clear transcript.

5 Any questions about our proceeding at
6 all?

7 Neither seeing nor hearing any, we can
8 jump right into the issue of whether anyone wishes
9 to offer a public comment for the transcript of
10 our hearing today.

11 Neither seeing nor hearing that anyone
12 does wish to do so, we can similarly determine
13 whether there's anyone who did not pre-file
14 testimony but wishes to testify and respond to
15 questions at our hearing today.

16 Once again, neither seeing nor hearing
17 any indication that anyone wishes to do so, we can
18 turn to the issue of the requirement to request an
19 economic impact study.

20 Specifically under Section 27(b) of the
21 Environmental Protection Act, the Board must
22 request that the Department of Commerce and
23 Economic Opportunity, or DCEO, conduct an economic
24 impact study of proposed rules before the Board

1 adopts them. The Board then must make the
2 decision -- must make either the study or the
3 Department's explanation for not conducting one
4 available to the public at least 20 days before a
5 public hearing.

6 In a letter dated June 6th of 2024, the
7 Board's Chair Barbara Flynn Currie, C-U-R-R-I-E,
8 requested the DCEO conduct an economic impact
9 study of this rulemaking proposal. The Board
10 specifically requested a response no later than
11 September 30th of 2024 but has received no
12 response to its request.

13 Is there anyone who would like to testify
14 regarding the Board's request or on DCEO's
15 response to it?

16 Neither seeing nor hearing any, I should
17 quickly again determine whether there is anyone
18 who wishes to testify or comment today.

19 Seeing no additional persons in the room,
20 I neither see nor hear any indication that anyone
21 wishes to do so.

22 And if there's no objection, we can go
23 off the record just for a moment to discuss a
24 couple of procedural issues.

1 (An off-record discussion was had.)

2 HEARING OFFICER FOX: This is, as I noted, the
3 second hearing of the required two hearings of
4 this proposal and the Board has not scheduled
5 anymore hearings and does not intend to do so at
6 this stage.

7 Copies of the transcript of today's
8 hearing are expected to be available no later than
9 Friday, November 15th of 2024. When the Board
10 receives the transcript, it will promptly post it
11 to the clerk's office online, or COOL, C-O-O-L, on
12 the Board's website.

13 The deadline to file post-hearing
14 comments in this proceeding is Friday,
15 December 6th of 2024, after which the Board will
16 weigh any comments it receives and determine
17 whether to issue a first notice proposal.

18 Are there any other matters that we need
19 to address at hearing before we adjourn?

20 Neither seeing nor hearing any indication
21 that there are, I would like to thank everyone for
22 participating today.

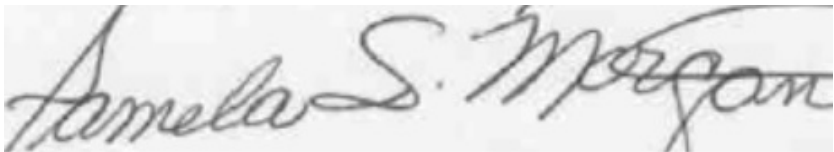
23 We can adjourn this hearing.

24 (The hearing concluded at 9:15 a.m.)

1 I, PAMELA S. MORGAN, Certified Shorthand
2 Reporter in the State of Illinois, do hereby
3 certify that the above Illinois Pollution Control
4 Board hearing was recorded stenographically by me
5 and was reduced to typewritten form by means of
6 Computer-Aided Transcription.

7 I further certify that the foregoing
8 transcript is a true, correct, and complete record
9 of all proceedings had before me.

10 I further certify that I am not a
11 relative, employee, attorney or counsel of any of
12 the parties, nor financially interested directly
13 or indirectly in this action.

14
15 A handwritten signature in cursive script that reads "Pamela S. Morgan". The signature is written in dark ink on a light-colored background.

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17 PAMELA S. MORGAN, C.S.R. 084-001687
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