

ILLINOIS POLLUTION CONTROL BOARD

June 5, 2025

In the matter of: )  
 )  
CLEAN-UP AMENDMENTS TO 35 ) R25-23  
ILL. ADM. CODE PARTS 101, ) (Rulemaking-Land,  
310, 502, 620, 704, 721, 733, ) Water)  
739, 742, 807, 811, 840, 848, )  
1010 and 1501 )

Report of proceedings from the hearing  
before the ILLINOIS POLLUTION CONTROL BOARD on  
Thursday, June 5, 2025, 11:15 a.m., at 160 North  
LaSalle Street, Suite 505, Chicago, Illinois.

Reporter: Paul W. O'Connor, CSR  
CSR No. 084-002955

1           PRESENT:

2  
3           ATTENDING BOARD MEMBERS:

4               Michelle Gibson

5               Barbara Flynn Currie, Chair

6               Jennifer Van Wie

7               Michael Mankowski

8               Angela Tin

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10          BOARD STAFF:

11               Tim Fox

12               Marie Tipsord, Hearing Officer

13               Chloe Salk

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15  
16          BOARD ATTORNEY ADVISORS:

17               Daniel Pauley

18               Anupama Paruchuri

19               Vanessa Horton

20               Lauren Justice

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22  
23          ILLINOIS ENVIRONMENTAL PROTECTION AGENCY:

24               Kaitlyn Hutchison

1 MS. TIPSORD: Good morning, everyone.

2 This is the Illinois Pollution Control  
3 Board hearing. I'm Marie Tipsord. I will be the  
4 Hearing Officer today in the rule-making document  
5 entitled Clean-Up Amendments to 35 Ill. Admin Code  
6 Parts 101, 310, 502, 620, 704, 721, 733, 739, 742,  
7 807, 811, 840, 845, 1010 and 1501. The Board's  
8 document number for this rule-making is R25-23.

9 I want to say that I'm acting on behalf  
10 of the Hearing Officer Tim Fox who is in Chicago, and  
11 I'm hosting down here in Springfield today. I'd also  
12 like to introduce the Board members that are present.  
13 We have Chair Barbara Flynn Currie, who is lead Board  
14 member for this docket. Also in Chicago Board Member  
15 Jennifer Van Wie with special guest Cece. Board  
16 Member Michelle Gibson. Here in Springfield we have  
17 Board Member Michael Mankowski and Board Member Angela  
18 Tin.

19 Also we have a variety of Board staff.  
20 Vanessa Horton, Carlie, are you back there?

21 MS. LEONI: I'm here.

22 MS. TIPSORD: Lauren, your name went out of my  
23 head. Lauren Justice and Daniel Pauley in the back of  
24 the room. Thank you all for being here today.

1 Miss Hutchison, would you like to make  
2 your appearance known.

3 MS. HUTCHISON: I'm Kaitlyn Hutchison from the  
4 Illinois Environmental Protection Agency.

5 MS. TIPSORD: Is there anyone else who would like  
6 to put an appearance on the record today.

7 I forgot, we have Anu Paruchuri, attorney  
8 assistant to member Mankowski.

9 On March 10, 2025, the IEPA filed a  
10 rule-making proposal updating a street address in various  
11 parts of the Board's rules.

12 On March 20, 2025, the Board accepted  
13 IEPA's proposal for hearing and submitted it to first  
14 notice publication without comment on its substantive  
15 merits. The proposal appeared in the Illinois Register  
16 on April 25, 2025.

17 Also on March 20th, the Hearing Officer  
18 scheduled two hearings and this is the second of them.  
19 The Board published notice of two hearings on March 22,  
20 2025 in the Chicago Sun-Times, and on March 26, 2025 in  
21 the State Journal Register of Springfield. The deadline  
22 to prefile testimony and any related exhibits for this  
23 hearing was Thursday, May 29, 2025.

24 The Board did not receive any prefiled

1 testimony for this hearing. At the first hearing the  
2 Hearing Officer -- at the first hearing and in a Hearing  
3 Officer order on May 5th, the Board requested comment on  
4 specific incorporations by reference in part 742.

5 IEPA agreed to respond by May 29 and filed  
6 its response on May 23. The Board appreciates that  
7 response and does not have any follow-up questions.

8 Today's hearing is governed by the Board's  
9 procedural rules under Section 102.426. All the  
10 information that is relevant and not repetitive or  
11 privileged will be admitted into the record. Please bear  
12 in mind that any questions posed today by the Board and  
13 its staff are intended solely to help have a clear and  
14 complete record for the Board's decision and do not  
15 reflect any decision on the proposal, testimony or other  
16 questions.

17 Again, no participant prefiled testimony  
18 for this hearing. And at present we see no one present,  
19 but I want to ask does anyone wish to make a public  
20 comment on this proposal? Seeing none either in Chicago  
21 or Springfield, I just want to confirm there's nobody  
22 here who wants to testify as well. Also seeing no one in  
23 Springfield or Chicago.

24 I'm just going to let us sit here for

1 about five minutes if that's okay with everybody, so  
2 people aren't having problems getting through security  
3 since we are really only seven minutes past our alleged  
4 start time.

5 So if you don't mind, we will wait about  
6 five minutes off the record.

7 (Short recess taken)

8 MS. TIPSORD: We have one last item that we have to  
9 complete by statute, that is the issue of the Economic  
10 Impact Study. Section 27-B of the Environmental  
11 Protection Act provides that the Board must request that  
12 DCEO conduct an Economic Impact Study of proposed rules  
13 before the Board adopts them. The Board must then make  
14 either the study or the department's explanation for not  
15 conducting one available to the public at least 20 days  
16 before public hearing.

17 In a letter dated March 20, 2025, the  
18 Board's chair Barbara Flynn Currie requested that DCEO  
19 conduct an Economic Impact Study of this rule-making  
20 proposal. The Board specifically requested a response no  
21 later than May 5, 2025. The Board did not receive a  
22 response to this request from DCEO either by May 5 or as  
23 of today.

24 Is there anyone present today who would

1 like to testify regarding the Board's request for a study  
2 and DCEO's response. Neither seeing nor hearing anyone,  
3 let me again quickly determine whether there's present  
4 anyone at either location who wishes to testify or  
5 comment today.

6 Neither seeing nor hearing anyone who  
7 does, let's go off the record for a moment. To discuss  
8 some procedural matters.

9 (Short recess taken)

10 MS. TIPSORD: Back on the record, after brief  
11 discussion of procedural matters.

12 Copies of the transcript of this hearing  
13 are expected to be available at the Board by Friday,  
14 June 20, 2025. Or perhaps earlier. Once it is provided  
15 to the Board, it will promptly post the transcript to its  
16 website under this docket number R25-23.

17 After it receives the transcript and  
18 before it takes action on the agency's proposal, the  
19 Board will hold open a post hearing public comment  
20 period. The post hearing comments will be due by July 7,  
21 2025. The Board will, the Hearing Officer will issue a  
22 Hearing Officer order confirming the deadline for post  
23 hearing comments after we receive the transcript.

24 Filings with the Board whether paper or

1 electronic, must also be served on the Hearing Officer  
2 and on all those persons on the service list before  
3 filing. Please check on COOL to ensure you have the most  
4 recent version of the service list.

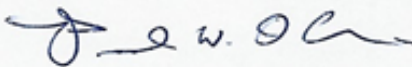
5 Are there any other matters that need to  
6 be addressed at this time? Neither seeing nor hearing  
7 any, thanks to everyone for participating and the second  
8 hearing is adjourned.

9  
10 (Whereupon, proceedings were  
11 adjourned in this Hearing)  
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1 STATE OF ILLINOIS )  
 ) SS  
2 COUNTY OF COOK )  
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4 I, PAUL W. O'CONNOR, do hereby  
5 certify that I reported in machine shorthand and via  
6 real time transcription the Hearing before the  
7 ILLINOIS POLLUTION CONTROL BOARD on June 5, 2025; and  
8 that this transcript is a true and accurate  
9 transcription of my machine shorthand notes so taken  
10 to the best of my ability, and contains all of the  
11 proceedings given at said Hearing.  
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16 Paul W O'Connor, CSR  
License No. 084.002955  
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