

ILLINOIS POLLUTION CONTROL BOARD

August 21, 2025

IN THE MATTER OF:)
)
POTENTIALLY INFECTIOUS MEDICAL) R25-24
WASTE (PIMW) PROPOSED AMENDMENT)
OF 35 ILL. ADM CODE 1442.)(Rulemaking - Land)
APPENDIX A, TABLE B - INDICATOR)
MICROORGANISMS.)

TRANSCRIPT OF PROCEEDINGS before the
Illinois Pollution Control Board, commencing at
10:00 AM on the 21st day of August, 2025, upon the
hearing of the above-entitled case.

P R E S E N T

ATTENDING BOARD MEMBERS:

Michael Mankowski

Angela Tin

Jennifer Van Wie

BOARD STAFF:

Carlie Leoni - Hearing Officer

Tim Fox - Senior Attorney

Anupama Paruchuri - Attorney Advisor

Chloe Salk - Attorney Advisor

Nerissa Moisan - Attorney Advisor

Anand Rao - Chief Environmental Scientist

Essence Brown - Environmental Scientist

PARTICIPANTS:

Trevor Dell'Aquila

Illinois Environmental Protection Agency

Joshua Rhoades

Illinois Environmental Protection Agency

Daniel Nelson - BioSAFE Systems

Alec Messina - BioSAFE Systems

I N D E X

EXHIBITS

PAGE

Exhibit Number 1

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Exhibit Numbers 2 and 3

10

Exhibit Number 4

11

1 HEARING OFFICER LEONI: Okay. It's 10:00, so
2 let's begin. Good morning, and welcome to this
3 Illinois Pollution Control Board hearing, my name is
4 Carlie Leoni, and I am the hearing officer for this
5 rulemaking proceeding entitled Potentially Infectious
6 Medical Waste, PIMW, Proposed Amendment of 35 Illinois
7 Administrative Code 1422, Appendix A, Table B,
8 Indicator Microorganisms. The Board docket number for
9 this rulemaking is R25-24.

10 Also present today in Chicago from the
11 Board are Board Member Jennifer Van Wie, the Board's
12 technical unit Chief Environmental Scientist Anand Rao,
13 and Environmental Scientist Essence Brown, and Board
14 Senior Attorney Tim Fox. Board staff in Springfield
15 via video are Board Member Angela Tin, Board Member
16 Michael Mankowski, and Attorney Advisor Anupama
17 Paruchuri. Participants of the rulemaking in
18 Springfield via video are Alec Messina for the rule
19 proponent, BioSAFE Engineering, Daniel Nelson for rule
20 proponent BioSAFE engineering, Trevor Dell'Aquila for
21 the Illinois Environmental Protection Agency or IEPA.
22 And our witness today in Springfield is Joshua Rhoades
23 for IEPA.

24 This hearing is governed by the Board's

1 procedural rules. All information that is relevant in
2 that is not repetitious or privileged will be admitted
3 into the record. Please bear in mind that any
4 questions posed today by the Board and its staff are
5 intended solely to help develop a clear and complete
6 record for the Board's decision and do not reflect any
7 decision on the proposal, testimony, or other
8 questions. For the sake of our court reporter,
9 especially in Springfield, please speak clearly and
10 avoid speaking at the same time as another person so
11 that we can help produce a clear transcript.

12 For background on this proceeding, on
13 March 20, 2025, BioSAFE filed a rulemaking that
14 proposed the Board amend Part 1422 of its potentially
15 infectious medical waste rules BioSAFE requests that
16 the Board add an indicator microorganism *Bacillus*
17 *atrophaeus* to Part 1422 to be used for validation of
18 low-pressure steam-based treatment systems for
19 potentially infectious medical waste.

20 On April 3, 2025, the Board accepted
21 the proposal and directed the hearing officer to
22 proceed to hearing. The first hearing was held in
23 Springfield on June 26, 2025, and focused on BioSAFE's
24 proposal and its witnesses. Today we hold the second

1 hearing. This hearing will be focused on the
2 participants' witness and their testimony. At the end
3 of the hearing today, I will go off the record to
4 discuss with everyone the schedule for post-hearing
5 comments.

6 Notice for this hearing was posted in
7 the State Journal-Register and the Chicago Sun-Times.
8 This publication occurred in the State Journal-Register
9 on May 18th and in the Chicago Sun-Times on May 19,
10 2025.

11 On May 15, 2025, the Board requested,
12 pursuant to Section 27(b) of the Environmental
13 Protection Act, that the Department of Commerce and
14 Economic Opportunity conduct a study on the economic
15 impact of the proposed rule amendment. The letter
16 requested that DCEO provide their response by July 14,
17 2025. As of today, DCEO has not responded to the
18 request.

19 The IEPA filed the written testimony of
20 one witness on July 31st. BioSAFE filed written
21 questions on August 13th. And the Board filed written
22 questions on August 18th. The IEPA filed written
23 answers on August 20th.

24 I just have one note on IEPA's answers

1 which were filed with the Board yesterday afternoon.
2 I'm going to propose to enter these into there as an
3 exhibit as if read today, but if anyone objects to
4 that, please raise your objection and state your reason
5 at that time. Please also keep in mind that there will
6 be time to review IEPA's responses and prepare
7 additional follow-up comments by the post-hearing
8 comment deadline if needed.

9 As to the order of today's proceedings
10 today, IEPA will put forth its witness to answer these
11 and any follow-up questions the participants might have
12 regarding their testimony and answers. We have only
13 one witness scheduled today, Joshua Rhoades, and we
14 will begin with him. The court reporter will swear in
15 all witnesses when they begin.

16 Court Reporter, please feel free to
17 stop me or anyone at any point if we are going too
18 fast, if you need something repeated, or if we're
19 talking too softly. For any participants asking
20 questions today, please start your question by stating
21 your name and the organization you're representing.

22 We do have an 11:00 AM board meeting
23 schedule today. So if needed, we'll break at 10:55 AM
24 for that and resume after the Board meeting ends at

1 11:30 AM. I don't expect we will need to, but that is
2 the plan, if needed. If we conclude the schedule
3 witness testimony and still have questions or remaining
4 testimony, we'll address it at that time.

5 And lastly, after witness testimony, we
6 will open it up to any public comments. If there are
7 any members of the public in person here today that
8 would like to give public comments, you may do so after
9 witness testimony. Also, anyone can submit written
10 public comments on the Board's clerk's office online
11 system or as we call it COOL. The Board weighs oral
12 and written public comments equally.

13 So we do have pre-filed questions for
14 the witness. First, we have questions from BioSAFE.
15 Next we have questions from the Board. And lastly, I
16 will see if there are any other participants that have
17 questions for the witness that have not pre-filed them.

18 Okay. Are there any questions about
19 the order of today's proceedings? If not, we'll move
20 on to swearing in today's first witness Joshua Rhoades.
21 Mr. Rhoades.

22 (Witness duly sworn.)

23 HEARING OFFICER LEONI: Typically, we enter
24 pre-filed testimony as an exhibit as if read, and the

1 witness or their counsel are allowed to give a short
2 opening statement if they so choose. Would the witness
3 like to enter the pre-filed testimony as if read?

4 MR. DELL'AQUILA : Yes.

5 HEARING OFFICER LEONI: Okay. Thank you. That
6 will be entered as Exhibit 1.

7 (Exhibit Number 1 was entered into the
8 record.)

9 HEARING OFFICER LEONI: Does the witness or
10 witness's counsel wish to offer a brief opening
11 statement.

12 MR. DELL'AQUILA : Yes. Thank you. Good morning
13 everyone. My name is Trevor Dell'Aquila with the
14 Illinois Environmental Protection Agency. We have
15 recently filed, and I imagine you maybe have not had
16 enough time to fully review, although our responses
17 were relatively brief. We would just like to reiterate
18 that the proposals we have made for amendments to Part
19 1422, in addition to the proposals offered by
20 BioSAFE -- our proposals are meant to remove existing
21 language that is no longer relevant as well as add
22 clarifying language for the purposes of permitting and
23 reporting to the agency. These changes are relatively
24 minor, and our goal is to maintain flexibility under

1 the rules so that for the purposes of future permitting
2 and things like that things can be streamlined and
3 there isn't any issues with reporting. That is our
4 really only goal with these proposals, and we're happy
5 to take any additional questions.

6 HEARING OFFICER LEONI: Thank you. If the
7 witness is ready, then we'll proceed to questions as
8 mentioned. We have pre-filed questions for Mr. Rhoades
9 that we will now enter into the record as exhibits as
10 if read first. We have the pre-filed questions of
11 BioSAFE, which we will enter as if read as Exhibit 2.
12 Next, we have the Board's pre-filed questions that we
13 will enter as if read as Exhibit 3.

14 (Exhibit Numbers 2 and 3 were entered
15 into the record.)

16 HEARING OFFICER LEONI: Since the questions have
17 now been entered as if read, would IEPA like to enter
18 the responses of its witness as if read as well.

19 MR. DELL'AQUILA : Yes.

20 HEARING OFFICER LEONI: Thank you. Are there any
21 objections?

22 (No audible response.)

23 HEARING OFFICER LEONI: Hearing none. IEPA's
24 responses to pre-filed questions will be entered as if

1 read as Exhibit 4.

2 (Exhibit Number 4 was entered into the
3 record.)

4 HEARING OFFICER LEONI: All right. Does BioSAFE
5 have any follow-up questions for Mr. Rhoades.

6 MR. MESSINA: Good morning. My name is Alec
7 Messina here on behalf of BioSAFE. We do not have any
8 additional questions. Appreciate the agency's efforts
9 throughout the entire rulemaking and certainly don't
10 have any objections to any of their additional -- their
11 additional suggestions and appreciate their answer in
12 response to our questions. So we have nothing further.

13 HEARING OFFICER LEONI: Okay. Thank you. Does
14 the Board have any follow-up questions for Mr. Rhoades?

15 MR. RAO: No.

16 HEARING OFFICER LEONI: Okay. Thank you. Is
17 there any other participant in Chicago or in
18 Springfield who has questions for the witness?

19 (No audible response.)

20 HEARING OFFICER LEONI: Okay. Then we have
21 concluded the testimony of Mr. Rhoades. Thank you, Mr.
22 Rhoades. And just for the record, does anyone else
23 have any further questions for the witness?

24 (No audible response.)

1 HEARING OFFICER LEONI: All right. Hearing none,
2 that concludes our testimony and witness questions.
3 Also for the record, is there anyone present here today
4 who did not pre-file testimony for this hearing but
5 does wish to offer testimony?

6 (No audible response.)

7 HEARING OFFICER LEONI: Hearing none, we will
8 move on to public comments. Do we have anyone in
9 Chicago who would like to give a public comment?

10 (No audible response.)

11 HEARING OFFICER LEONI: Anyone in Springfield?

12 (No audible response.)

13 HEARING OFFICER LEONI: Okay. Then that
14 concludes our hearing today. Well, actually, unless
15 there are other matters that need to be addressed, I
16 jumped the gun.

17 (No audible response.)

18 HEARING OFFICER LEONI: Okay. Hearing none. I
19 would like to thank everyone for participating today
20 and conclude this hearing. We will now go off the
21 record to discuss post hearing public comments.

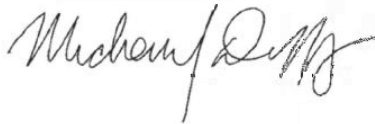
22
23 (Off the record at 10:10 AM.)
24

1 STATE OF ILLINOIS)
) SS.

2 COUNTY OF DUPAGE)
3

4 Michael Duffy, being first duly sworn on oath
5 says that he is a Certified Electronic Reporter doing
6 business in the City of Chicago, County of Cook and
7 State of Illinois.

8 That he reported the proceedings had at the
9 foregoing Illinois Pollution Control Board hearing and
10 that the foregoing is a true and correct transcript of
11 the reported proceedings so taken aforesaid and
12 contains all the proceedings had at said hearing.

13
14 

15 Michael J. Duffy
16 Certified Electronic Reporter
17 Notary Public
18
19
20
21
22
23
24

[1 - carlie]

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[goal - officer]

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[officer - reporting]

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[representing - witness]

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