

BEFORE THE  
ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF: )  
 )  
REVISION OF ENHANCED VEHICLE )  
INSPECTION AND MAINTENANCE (I/M) )  
REGULATIONS: AMENDMENTS TO 35 )  
ILL. ADM. CODE PART 240 )

DOCKET NO.  
R11-19

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FEB 24 2011

STATE OF ILLINOIS  
Pollution Control Board

Hearing held, pursuant to notice, on Wednesday,  
February 23, 2011, at the hour of 9:00 a.m. at 157  
N. Main Street, Edwardsville, Illinois, before  
TIMOTHY FOX, duly appointed Hearing Officer.

L.A. REPORTING SERVICE  
(312) 419-9292

REPORTER: LAUREL A. PATKES, CSR #084-001340

1 HEARING OFFICER FOX: Good morning  
2 and welcome to this Illinois Pollution Control Board  
3 hearing. My name is Tim Fox, and I am the hearing  
4 officer for this rulemaking proceeding which is  
5 entitled: In the matter of revision of enhanced  
6 vehicle emission inspection and maintenance (I/M)  
7 regulations, amendments to 35 Illinois  
8 Administrative Code 240.

9 The Board docket number for this  
10 rulemaking is R11-19.

11 I do want to note for the record that  
12 present today with me from the Illinois Pollution  
13 Control Board at my right is Board Member Andrea S.  
14 Moore, the lead board member assigned to this  
15 rulemaking.

16 For the record, the IEPA filed this  
17 rulemaking proposal on December 8, 2010.

18 Perhaps, Mr. Mohr, for the record we  
19 could go to you just for a moment to introduce the  
20 participants who are present here today on behalf of  
21 the agency.

22 MR. MOHR: Sure.

23 Board Member Moore, Hearing Officer  
24 Fox, thank you for having us here today. My name is

1 Kent Mohr. I'm an attorney for the Illinois EPA  
2 Bureau of Air.

3 The Illinois EPA has filed this  
4 rulemaking to update its vehicle inspection and  
5 maintenance emission testing standards to be  
6 consistent with the Vehicle Emissions Inspection Law  
7 of 2005 otherwise known as the VEIL of 2005, 625  
8 ILCS 5/13C.

9 As it pertains to this rulemaking,  
10 the VEIL of 2005 exempted pre-1996 vehicles and  
11 dropped the transient loaded mode or I/M 240  
12 emissions test making the On-Board Diagnostic System  
13 the primary vehicle emissions inspection test.

14 I have with me today two witnesses,  
15 Michael Hills to my immediate right who is an  
16 engineer with the Technical Services Section of the  
17 Division of Mobile Source Programs within the  
18 Illinois EPA Bureau of Air, and to Mike's right is  
19 Steve Thorpe, manager of the Compliance Assurance  
20 Section of the Division of Mobile Source Programs  
21 within the Illinois EPA Bureau of Air, to answer any  
22 questions that might be asked of them.

23 We have prefiled testimony in this  
24 rulemaking entitled "Testimony of Michael Hills."

1                   We have not prefiled testimony for  
2 Mr. Thorpe but he is here today to assist in  
3 answering any questions as necessary.

4                   I think at this time I'd like to have  
5 Mr. Hills and Mr. Thorpe sworn in to be available to  
6 answer any questions that might be asked of them  
7 today.

8                   HEARING OFFICER FOX: That makes  
9 perfect sense, Mr. Mohr. Thanks very much.

10                   (Whereupon Mr. Hills and  
11 Mr. Thorpe were sworn by the  
12 reporter.)

13                   HEARING OFFICER FOX: Anything else,  
14 Mr. Mohr?

15                   MR. MOHR: No.

16                   HEARING OFFICER FOX: Thanks very  
17 much for your remarks.

18                   I want to further note for the record  
19 that the Board in an order dated December 16th of  
20 2010 accepted the Agency's proposal that Mr. Mohr  
21 has described for hearing and directed the Board's  
22 clerk to publish that proposal for public comment.  
23 The proposal appeared in the Illinois Register on  
24 January 3rd of 2011 at 35 Illinois Register 129.

1                   On December 16th of 2010, the hearing  
2 officer scheduled two hearings, the first of which  
3 concluded on February 10, 2011 in Chicago, and as  
4 Mr. Mohr had mentioned, the Agency did prefile  
5 testimony by Mr. Hills on the proposal for that  
6 first hearing.

7                   Today we, of course, are holding the  
8 second hearing in this rulemaking. It is governed  
9 as always by the Board's procedural rules.  
10 Information that is relevant and that is not  
11 repetitious or privileged will be admitted into the  
12 record.

13                   Following the first hearing that  
14 concluded on February 10, 2011, the hearing officer  
15 set a deadline of February 16th of 2011 for  
16 participants to prefile testimony for this hearing.  
17 No participant has done so. We have, in other  
18 words, no prefiled testimony for this hearing.

19                   For any participant who might wish to  
20 testify today without having prefiled testimony,  
21 there is a sign-up sheet inside the door at the  
22 table around which we are seated. However, it is in  
23 clear view and I can see that no person has signed  
24 in indicating that they would like to testify, and

1 for the record, aside from Member Moore and I and  
2 the three representatives of the EPA, there are no  
3 other persons, no members of the public who have  
4 appeared at the beginning of this hearing.

5 Since the Board did not receive any  
6 prefiled testimony and there is no indication on the  
7 part of a participant who did not prefile that they  
8 would like to testify, we would proceed to any  
9 comments that members of the public or other  
10 participants may wish to offer.

11 However, in the absence of any  
12 indication that someone is present, we quite  
13 evidently have no comments to receive into the  
14 record of this proceeding.

15 Why don't we -- are there first any  
16 questions about our proceedings or procedural  
17 issues?

18 Why don't we go off the record very  
19 quickly if we may and take a couple of closing  
20 issues procedurally.

21 (Whereupon an off-the-record  
22 discussion transpired at this  
23 time.)

24 HEARING OFFICER FOX: We've gone off

1 the record for a short time to discuss procedural  
2 issues, specifically those dealing with the filing  
3 of post hearing comments. Section 102.108(b) of the  
4 Board's procedural rules provides that, quote, "Any  
5 person may submit written comments on any proposal  
6 within 14 days after the receipt of the hearing  
7 transcript in Board offices unless otherwise  
8 specified by the hearing officer or the Board."

9 In this instance, copies of the  
10 transcript are expected to be available to the Board  
11 by Friday, February 25th of 2011.

12 Once it is filed with the Board, I  
13 will ask for our clerk's assistance in placing it in  
14 the record on our website under this Docket Number  
15 R11-19 as quickly as is practicable so that it's  
16 available to the Agency and to other participants in  
17 the public.

18 In going off the record, we discussed  
19 the deadline for filing post hearing comments.  
20 Before it takes action on the Agency's proposal, the  
21 Board will hold open a post hearing comment period  
22 ending Friday, March 4, 2011. The "mailbox rule" at  
23 Section 101.300(b)(2) of the Board's procedural  
24 rules will not apply to these comments, and the

1 clerk's office must receive them by the close of  
2 business on Friday, March 4, 2011.

3           Comments and other filings may be  
4 filed electronically through the Board's clerk's  
5 office online or COOL. Any questions pertaining to  
6 COOL should be directed to the clerk's office.  
7 Also, filings with the Board, whether paper or  
8 electronic, must also be served on the hearing  
9 officer and those entities on the service list.

10           The clerk's office certainly will  
11 indicate the most recent, most complete version of  
12 the service list in response to any questions.

13           In order to set the specific post  
14 hearing comment deadline as clearly as possible, I  
15 will issue a hearing officer order spelling out  
16 those details, and if anyone has questions about  
17 procedural aspects of this rulemaking, I may be  
18 reached through contact information that is listed  
19 on the Board's website.

20           Naturally, no other hearings are now  
21 scheduled in this rulemaking.

22           Do we have any other matters or  
23 questions that need to be addressed before we  
24 adjourn?



1                   Seeing three heads from the Agency  
2     indicating no quite clearly and, again, seeing that  
3     no person has either appeared and quite clearly has  
4     not indicated in writing that they would wish to  
5     offer testimony, we have come to the point where we  
6     can adjourn, and I thank the Agency and its  
7     personnel for participating and for their travel  
8     here today.

9                   Thank you. We're adjourned.

10                                 (Which were all of the  
11                                 proceedings held at this time.)

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