

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)
)
AMENDMENTS TO 35 ILL. ADM. CODE) R12-8
PART 223 STANDARDS AND LIMITATIONS) (Rulemaking-Air)
FOR ORGANIC MATERIAL EMISSIONS)
FOR AREA SOURCES.)

REPORT OF PROCEEDINGS of the above-entitled
cause held at the James R. Thompson Center, 100 West
Randolph Street, Suite 11-500, Chicago, Illinois,
before Hearing Officer Timothy J. Fox, at 1:00 o'clock
p.m. on Thursday, November 18, 2011.

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A P P E A R A N C E S :

ANAND RAO
JENNIFER A. BURKE
TIMOTHY J. FOX
THOMAS E. JOHNSON
DEANNA GLOSSER, Ph.D.
CARRIE ZALEWSKI

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1 TIMOTHY FOX: 1:00 o'clock having arrived,
2 I want to convene this hearing.

3 Good afternoon and welcome to the Illinois
4 Pollution Control Board Hearing in the matter of
5 Standards and limitations for Organic Material Emissions
6 for Areas Sources, Amendments to 35 Illinois
7 Administrative Code Part 223.

8 My name is Tim Fox and I'm the Hearing
9 Officer for this Rulemaking, which the Board has
10 docketed as R12-8. Before we get underway, I want to
11 note that present from the Board today are at my
12 immediate left Board Member Jennifer Burke, at my
13 immediate right Board Member Thomas Johnson, at his
14 right Board Member Deanna Glosser, and at my far right
15 is Board Member Carrie Zalewski. Also present is
16 Anand Rao, at my far left, of the Board's technical
17 staff.

18 The Illinois Environmental Protection Agency
19 initiated this Rulemaking proceeding by filing a
20 proposal on July 13th of 2011, and in an Order dated
21 August 4th, 2011 the Board accepted the proposal for
22 hearing and the first hearing took place on October 6th,
23 2011 in Springfield. I want to note that on September
24 26th, 2011, after the deadline to pre-file testimony for

1 the first hearing, the Board did receive pre-filed
2 testimony by Mr. Joseph Yost of the Consumer Specialty
3 Products Association, or CSPA.

4 We will begin today with Mr. Yost whose
5 pre-filed testimony is entered, as if read, under
6 Section 104.424(f) of the Board's procedural rules.
7 But, we certainly can allow him to offer a summary or an
8 introduction, if he would like to do so, before we turn
9 to questions on the basis of that pre-filed testimony.
10 We then can turn to pre-filed testimony by
11 anyone -- I'm sorry. We can turn to any person who
12 did not pre-file testimony, but wishes to testify today.
13 There is a sign-in sheet inside the door so that anyone
14 can indicate that they wish to do so. I can see clearly
15 that no one has so indicated. We would, then, turn to
16 the Agency, in the event that the Board has questions.
17 Mr. Matoesian for the Agency, we would ask that
18 Mr. Davis be sworn to respond to those, if necessary.
19 Following that, as time permits, any person wishing to
20 offer a public comment may do so and we will extend
21 that offer once again before we adjourn.

22 Quickly, this proceeding is governed by the
23 Board's procedural rules under which all information
24 that is relevant and is not repetitious or privileged

1 will be admitted into the record. Please note that any
2 questions that are posed today by the Board or its staff
3 are intended solely to help develop a clear and complete
4 record and do not reflect any prejudgement or
5 predetermination on the Agency's proposal.

6 Are there any questions about our procedures
7 before we get underway? I don't see or hear any.

8 Mr. Yost, I had indicated that we would
9 begin with you, but, Mr. Matoesian, you had indicated
10 that you had a housekeeping matter that you quickly
11 wanted to address.

12 MR. MATOESIAN: Yes. We were just going to
13 enter this list of potentially effective manufacturers
14 in Illinois as an exhibit. We had said at the first
15 hearing we would produce it and we are doing that now.

16 TIMOTHY FOX: I appreciate your preparation
17 and submission of that, Mr. Matoesian.

18 It has been moved into the record of this
19 proceeding as Exhibit No. 2. Is there any objection to
20 the motion being granted? Neither seeing nor hearing
21 any, Mr. Matoesian, it will be marked and admitted as
22 Exhibit No. 2 in this proceeding.

23 Thank you once again for your preparation of
24 that. That is in the record.

1 Mr. Yost, the time has come to prepare for
2 your pre-filed testimony. If you'd like to take a seat
3 at that head table, we will have the court reporter
4 swear you in.

5 JOSEPH YOST: Thank you.

6 JOSEPH T. YOST
7 having been first duly sworn by court reporter, was
8 examined and testified on his oath as follows:

9 TIMOTHY FOX: Mr. Yost, you had indicated
10 that you may have a summary or introduction and the time
11 has come for that, if you wish.

12 JOSEPH YOST: Thank you. Yes, please, if
13 I may begin.

14 My name is Joseph Yost. I represent the
15 Consumer Specialty Products Association. We're a
16 national trade association comprised of approximately
17 240 companies, approximately 42 companies of CSPA
18 member companies have facilities located here in
19 Chicago, Illinois, either facilities or their
20 headquarters are located in Illinois. We also represent
21 companies that manufacture or market more than
22 two-thirds of the products that are currently regulated
23 under Illinois's regulation and also more than
24 two-thirds of the products that are subject to the

1 proposed amendments of this proposed regulation.

2 I would like to begin by respectfully
3 requesting that the Board admit my pre-filed testimony
4 as a hearing exhibit.

5 TIMOTHY FOX: Mr. Yost, you have helpfully
6 prepared a number of copies of it.

7 Mr. Matoesian, has the Agency received a
8 copy of this?

9 CHARLES MATOESIAN: Yes.

10 TIMOTHY FOX: Very good. You've heard the
11 motion to admit the pre-filed testimony filed by
12 Mr. Yost on September 26th as Exhibit No. 3 in this
13 proceeding. Is there any objection to the motion?
14 Neither seeing nor hearing any, Mr. Yost, it is marked
15 and admitted as Exhibit No. 3, and thank you once again
16 for your preparation of the copies.

17 JOSEPH YOST: Thank you very much, Mr. Fox.

18 I would like to supplement the pre-filed
19 testimony by raising two technical amendments to the
20 proposal put forth by the Department. Specifically, in
21 Section 223.203, the definition section, the definition
22 for the term existing product should be amended. As
23 currently drafted in the current regulation, it states
24 July 1, 2009, which was the effective date of the

1 original regulation. That, of course, has become
2 inoperative given the current amendment which would set
3 new regulations that take effect on July 1, 2012. Thus,
4 we propose to strike the reference to July 1, 2009 and
5 instead insert the language as follows, the effective
6 date in Section 223.205 Subsection A is the table of
7 standards. That resolves the problem with citing an
8 inoperative date and would instead refer to a more
9 appropriate date for the new regulations that will be
10 taking effect next year.

11 The second issue that I'd like to raise is
12 found in Section 223.207. This is a section that deals
13 with the regulation of products that are subject to the
14 Federal Insecticide, Fungicide, and Rodenticide Act,
15 otherwise known as FIFRA, F-I-F-R-A. This is also the
16 same issue. In this case, the existing regulation
17 states July 1, 2010. That was correct under the current
18 regulation. However, that would be inoperative for any
19 new FIFRA regulated products that would be subject to
20 the new regulations that will take effect next year.

21 FIFRA regulated products are granted a
22 one-year extension in every state that regulates
23 consumer products. This is because the products are
24 regulated not only by USEPA, but by individual state

1 agencies. In this case the Illinois EPA regulates
2 FIFRA regulated products or the Department of
3 Agriculture, I'm not sure which. I would have to confer
4 with -- generally they're regulated by an environmental
5 agency in states, sometimes by the agriculture agency.
6 I apologize, I forget in Illinois which one. But, the
7 additional year is a provision in all regulations, it
8 was a provision in the existing regulation. We,
9 therefore, recommend that the reference to July 1, 2012
10 be struck and in its place language to the effect that
11 one year after the effective date specified in Section
12 225.205, the table of standards. This again addresses
13 the concern about ensuring we have a proper effective
14 date for these newly regulated products.

15 I'd like to please just summarize my
16 pre-filed testimony. CSPA, as I mentioned, represents
17 a broad range of consumer product manufacturers.
18 Manufactured products that are not only sold to
19 consumers, but also sold to commercial enterprises, such
20 as this office building, hotels, schools, et cetera.

21 For the most part, our companies, especially
22 the larger companies market products on a national
23 basis. We have companies, medium-to-small size
24 companies that market products on a regional basis and

1 we have small companies that sometimes market products
2 in individual states. But, as a general matter, we
3 strongly support regionally consistent regulations. We
4 support that because not only does it make it more
5 manageable for manufacturers to market their products,
6 but it also ensures that air quality is improved and is
7 improved in such a way that it does not interfere with
8 interstate commerce.

9 We certainly appreciate the actions by the
10 Illinois EPA and by the neighboring states, Ohio,
11 Indiana, and Michigan, to develop regulations that are
12 regionally consistent. I might add, these regulations
13 are also consistent with ten east coast states plus the
14 District of Columbia. We strongly support, therefore,
15 the proposed amendment as a general matter that the
16 Department has proposed because it is consistent with
17 these other regulations.

18 In the pre-filed testimony you'll see three
19 suggested revisions that we put forth for the Board to
20 consider and one technical correction. I won't repeat
21 those, but I think it's safe to say if you look at what
22 we have raised in the pre-filed testimony, they're very
23 specific narrow issues. It goes to our desire to work
24 with the Department in ensuring that this regulation is

1 as workable as possible. It also underscores the fact,
2 as I mentioned earlier, as a general matter we strongly
3 support the proposed amendment that the Department has
4 put forward because of its consistency with other
5 states. And at that point, I -- as a summary of my
6 pre-filed testimony, I'd be more than happy to answer
7 any questions that the Board members may have.

8 TIMOTHY FOX: Mr. Yost, thanks very much.
9 We'll open those questions up to the Agency as well so
10 they may pose any that they wish to.

11 Mr. Matoesian or Mr. Davis, do you have any
12 questions you wish to raise of Mr. Yost at this point?

13 CHARLES MATOESIAN: We have just a few.

14 TIMOTHY FOX: Please go ahead,
15 Mr. Matoesian.

16 CHARLES MATOESIAN: Mr. Yost, on page eight
17 of your pre-filed testimony, listed as number two is
18 your request that the Board delete a restriction on the
19 general purpose degreaser category that the Agency had
20 recommended and on page nine of the pre-filed testimony
21 you can actually see where this will occur in
22 Section 223.211(a) and (b).

23 I would just like to know would striking
24 this restriction make the Illinois rule more consistent

1 or less consistent with the OTC states?

2 JOSEPH YOST: It would be precedent setting,
3 in that the other states, and currently there are ten
4 states that have FIFRA rules that impose a restriction
5 on the use of these three chemical compounds and the use
6 of a general purpose degreaser. So, in that regard,
7 it would set a precedent that this would be somewhat
8 different. We raise that recommendation for two basis.
9 One, the use of particularly perchloroethylene and
10 trichloroethylene is necessary to produce
11 low-flammability products. It would allow companies to
12 produce a general purpose degreaser that can be used in
13 facilities maintenance operations which may be present
14 near ignition sources.

15 The second reason that we put forth this
16 recommendation is that perchloroethylene and methylene
17 chloride are currently exempted from the definition of
18 VOM for purposes of compliance with the VOM limitations
19 for the VOM content requirements in Illinois as a result
20 of the low photochemical reaction. They're also exempt
21 from the definition of the federal regulation as well.
22 So, for the -- in summary, for the purpose of workplace
23 safety and for the practical reality that the reductions
24 that would be achieved would be minimal, we ask the

1 Board to consider withdrawing the proposed restriction
2 for this one product category, general purpose
3 degreaser. But, again, this would be precedent setting.
4 The ten states -- ten other states include that. What
5 we would propose to do is as each of these states go
6 forward, because we anticipate that within the next
7 several years these states will develop additional
8 regulations based on a yet to be completed 2014 Ozone
9 Transport Commission model rule. The model rule will
10 not be -- the Ozone Transport Commission just had a
11 meeting last week, as a matter of fact. It was
12 anticipated they would approve the model rule at that
13 point. For a variety of reasons, they elected to defer
14 a consideration to until June of next year, their annual
15 meeting, and I fully anticipate it will be approved at
16 that point, and, thus, states will go forward with a new
17 round of regulation. And what we would then ask is
18 those states to consider also withdrawing the
19 restriction of the general purpose degreaser.

20 But, again, to answer your question
21 directly, Mr. Matoesian, it would be inconsistent with
22 the ten states that oppose this similar restriction.
23 But, for reasons that I just stated, I think we would
24 certainly request that the Board consider the merits

1 and consider withdrawing the proposed restriction in
2 this case in Illinois.

3 CHARLES MATOESIAN: Thank you. So, these
4 other ten states, they currently have compliant products
5 that could be sold with this restriction in it?

6 JOSEPH YOST: Yes, sir. That is correct.

7 CHARLES MATOESIAN: Would this result in
8 different products being sold in Illinois than they're
9 being sold in the other OTC states?

10 JOSEPH YOST: To the extent that the
11 restriction be lifted off general purpose degreaser, the
12 answer would be yes. And again this -- this would not
13 necessarily be sold widely. This would be sold -- this
14 type of product would be sold more likely to commercial
15 enterprises and not necessarily over -- through normal
16 retail outlets such as the majority of general purpose
17 degreaser products would be sold.

18 Did I answer your question, Mr. Matoesian?

19 CHARLES MATOESIAN: Yes.

20 JOSEPH YOST: Thank you.

21 CHARLES MATOESIAN: Thank you.

22 Those were all the questions I have.

23 ANAND RAO: May I ask a follow-up question?

24 TIMOTHY FOX: Sure.

1 ANAND RAO: Regarding these general purpose
2 degreasers, are there products that are, you know,
3 low-flammability products which do not contain these
4 three chemical compounds that are listed?

5 JOSEPH YOST: Mr. Rao, to the best of my
6 knowledge -- I'm not a chemist. I must plead -- I do
7 not have the technical expertise to answer definitively.

8 It's been explained to me that
9 the -- particularly the use of perchloroethylene is
10 very helpful in developing low-flammability products.
11 I believe it may be essential, although I don't know if
12 there are alternatives. I cannot, unfortunately, answer
13 that directly.

14 I'll be happy to consult with our companies
15 who actually manufacture these products to provide a
16 more definitive answer.

17 ANAND RAO: I'd appreciate that. Also, if
18 you can give us some information as to whether any of
19 these products, if they exist, are being sold in these
20 other states where they have restriction.

21 JOSEPH YOST: Mr. Rao, again, I will check
22 with the experts and I'll be happy to get that
23 information back. To whom should I give it to, the
24 Agency or the Board?

1 TIMOTHY FOX: If you could file it with
2 the Board, that would be helpful, since we're not
3 anticipating another hearing in this matter, but we can
4 certainly discuss the timing for filing of comments in
5 response, things of nature, Mr. Yost.

6 JOSEPH YOST: Thank you, Mr. Fox.

7 ANAND RAO: And if you file it with the
8 Board, it will be on our website so the Agency
9 will -- thank you very much.

10 TIMOTHY FOX: Mr. Rao, any additional
11 questions?

12 ANAND RAO: No.

13 TIMOTHY FOX: Mr. Matoesian, I think you've
14 indicated that you have exhausted the questions you had
15 for Mr. Yost?

16 CHARLES MATOESIAN: Yes, we're finished.

17 TIMOTHY FOX: Did any of the Board members
18 wish to pose a question before we move on? Neither
19 seeing nor hearing that they do, Mr. Yost, we can
20 certainly thank you for your --

21 ANAND RAO: Oh, I didn't have any question
22 on this particular issue.

23 TIMOTHY FOX: My misunderstanding. Please
24 go ahead, Mr. Rao.

1 ANAND RAO: Mr. Yost, I think your third
2 recommendation in section two -- it's the fourth one,
3 the 223.205(a). You recommended that the Board replace
4 the term adhesives spray in Section 223.205(a)(2) with
5 the term aerosol adhesives, since the term is defined
6 in 223.203.

7 JOSEPH YOST: Yes, sir.

8 ANAND RAO: We were looking at the
9 definition of aerosol adhesives under 223.203. If you
10 look at the definition, the definition excludes special
11 purpose spray adhesives, mist spray adhesives, and wet
12 spray adhesives, they're excluded from the definition.

13 THOMAS JOHNSON: On page four.

14 JOSEPH YOST: Yes, sir.

15 ANAND RAO: When you go to 223.205(a)(2),
16 where you want us to replace the heading, those excluded
17 additives are listed in there. So, it seems like
18 there's some kind of inconsistency between the
19 definition and what's list here.

20 JOSEPH YOST: Mr. Rao, you raise a very good
21 point and certainly my intent was not to get an
22 exclusion through the backdoor --

23 ANAND RAO: No, no, no. I think because the
24 way the rules are written, we're also a little confused

1 with that definition.

2 JOSEPH YOST: I think --

3 ANAND RAO: And if the Agency has anything
4 to say, please feel free.

5 JOSEPH YOST: Mr. Rao, what I was trying
6 to get at is if you look at the table of standards that
7 California has established, which is the basis for this
8 regulation and the other states that have used the Ozone
9 Transport Emissions model rule, they use the term
10 aerosol colon adhesive. So, I was trying to get
11 something -- making a suggestion and again this is
12 just a technical recommendation, that would be more
13 consistent with what California and what other states
14 have done. Maybe I --

15 ANAND RAO: It's just the way our rules
16 are written. If it's just a technical correction that
17 you're looking for, if we leave the rule as it's written
18 now will that cause any problems?

19 JOSEPH YOST: No, sir. In fact, looking
20 at your definition more thoroughly, I think it would be
21 probably prudent for me to withdraw that recommendation.
22 Because certainly my intent was to ensure more
23 consistency with other states and if that makes an
24 inherent conflict with the Illinois regulation, then, it

1 certainly would be inappropriate to do so and I would
2 withdraw that recommendation.

3 ANAND RAO: Thank you. Just one more
4 question. You also suggested that the Board should
5 eliminate reference to aerosol adhesives in Section
6 223.211, since the product category is already being
7 regulated under Section 223.208. Looking at 223.208,
8 those requirements do not account for impurities in
9 parts. Is that something that should go in to 223.208,
10 just like what the Agency is proposing under 223.211?

11 JOSEPH YOST: Mr. Rao, it probably should.
12 And, in fact, to a certain extent it makes sense to
13 include this particular product category with the other
14 ones because they're all -- they fall into the general
15 prohibition on the use of those three chemical
16 compounds.

17 The only point I was trying to raise is
18 that this product category is already regulated. So,
19 thus, putting it in this new section could raise some
20 potential ambiguity as to how the product is regulated,
21 and at least since it's currently regulated it doesn't
22 make sense that it would also be subject to prospective
23 regulation as well. So, that's why I raise that for the
24 Board's consideration. I'm not sure how that should be

1 handled. I just raised it for the Board's consideration
2 on this.

3 ANAND RAO: Your recommendation made me
4 take another look at what we had on our books and I saw
5 impunities not addressed in the existing rules and if
6 the Agency can take a look at it and get back to us.

7 That's all I have.

8 TIMOTHY FOX: Completely done?

9 ANAND RAO: Now I am.

10 TIMOTHY FOX: Sorry to cut you off earlier.

11 Did the Board members have any questions
12 that they wish to raise at this point?

13 JOSEPH YOST: May I just make a closing
14 remark, Mr. Fox?

15 TIMOTHY FOX: Please do so, Mr. Yost.

16 JOSEPH YOST: Thank you.

17 In closing, I'd like to say I certainly
18 appreciate the work of the Department to conduct a
19 very open and transparent rulemaking process. CSPA
20 appreciates the professionalism of the Department staff
21 and we appreciate the opportunity to participate
22 actively as a stakeholder in this process, and we also
23 appreciate the opportunity to appear before this Board
24 and present our recommendations and we again appreciate

1 the very open process that this Board has conducted.

2 Thank you for this opportunity.

3 TIMOTHY FOX: Thank you, Mr. Yost, for your
4 time today.

5 Mr. Matoesian, we had before beginning
6 the hearing raised the possibility that we may wish to
7 have Mr. Davis sworn for a couple of questions and if
8 we -- if you're prepared to field those now, Mr. Davis,
9 and we can have you sworn in, I think we can move
10 through those pretty quickly. Thank you very much.

11 RORY DAVIS

12 having been first duly sworn by court reporter, was
13 examined and testified on his oath as follows:

14 TIMOTHY FOX: Mr. Davis, thank you for your
15 willingness to be sworn in. I just have a couple of
16 questions.

17 I want to follow-up, first of all, on a
18 couple of the questions that were already raised about
19 the existing Section 223 and -- 223.208 that addresses
20 aerosol adhesives, and my question is whether the Agency
21 in post-hearing comments, the deadline for which we'll
22 establish in a few minutes, would be willing to address
23 including the language regarding impurities from your
24 proposal in this docket into that existing language in

1 223.208? Could you address the suitability of doing
2 that for us in written comments?

3 RORY DAVIS: Yes. In fact, I was -- I was
4 going to say we appreciate Mr. Yost's thorough review of
5 the rule and that for the most part we do agree with
6 some of their suggestions. And I was going to say that
7 in post-hearing comments we will attempt to get very
8 specific language, section by section, of how we think
9 we should address some of these issues.

10 TIMOTHY FOX: That would be much
11 appreciated. Thank you very much.

12 I wanted also to address the recommendation
13 that Mr. Yost had made on behalf the CSPA, in favor of
14 what has been termed "sell through" period for products
15 that were manufactured before the effective date of
16 these proposed regulations.

17 Does the Agency have a response to or a
18 position to the recommendation he has made about a sell
19 through period?

20 RORY DAVIS: We concur. We concur that that
21 would be better language to -- it would be consistent
22 with our previous sell through policy or sell through
23 period which is indefinite sell through.

24 The way it's worded presently would make it

1 exactly as they say, it would make all products on that
2 effective date regardless of sell through or when they
3 were manufactured prohibited. So, we do concur that
4 would be better language.

5 TIMOTHY FOX: And that as long as they were
6 manufactured before the proposed effective date of
7 July 1st, 2012, this could be -- they could continue to
8 be sold until that supply was exhausted.

9 RORY DAVIS: Right.

10 TIMOTHY FOX: Very good. Thank you for
11 clarifying that, Mr. Davis.

12 Mr. Rao, did you have any questions for the
13 Agency?

14 ANAND RAO: No.

15 TIMOTHY FOX: Did any of the Board members
16 have any questions they wish to pose?

17 Mr. Yost, it's open to you, if you have
18 questions for the Agency at this point?

19 JOSEPH YOST: No, sir, Mr. Fox, I do not.

20 Thank you for the opportunity.

21 TIMOTHY FOX: Very good. I can clearly see
22 that the sign-in sheet on which persons could indicate
23 that they wish to testify today is blank and I'd like
24 the record to reflect that no additional persons have

1 appeared for hearing since we got underway at 1:00 p.m.

2 I want to take care of one quick
3 housekeeping detail, so to speak, and that is that
4 under Section 27(d) of the Environmental Protection Act,
5 the Board must request the Department of Commerce and
6 Economic Opportunity, or DCEO, conduct an economic
7 impact study of proposed rules before the Board adopts
8 them. The Board, then, must make either the economic
9 impact study or the Department's explanation for not
10 conducting one available to the public at least 20 days
11 before a public hearing.

12 In a letter dated August 4th, the Board's
13 acting chairman at the time, Dr. G. Tanner Girard,
14 requested that DCEO conduct an economic impact study of
15 this proposal and requested a response no later than
16 September 15th of 2011. In a letter dated September
17 20th of 2011, DCEO's director Mr. Warren Ribley
18 responded that the Department had received the Board's
19 request. The letter stated, however, that, "At this
20 time the Department is unable to undertake such an
21 economic impact study. Therefore, I must respectfully
22 decline your request."

23 Is there anyone who wish to testify about
24 the Board's request or the DCEO's response to it?

1 Neither seeing nor hearing any indication of that, we
2 will put that issue to rest.

3 What I'd like to do for a few moments is
4 just go off the record to discuss a quick procedural
5 issue or two.

6 (Brief off-the-record discussion.)

7 TIMOTHY FOX: Thank you very much.

8 In going off the record, the participants
9 discussed the procedural issue of filing post-hearing
10 comments. Before it takes action on the Agency's
11 proposal, the Board will hold open a post-hearing
12 comment period ending Wednesday December 14th of 2011,
13 approximately two weeks after the Board expects to
14 receive the transcript of this hearing. Copies of that
15 transcript are expected to be available by Monday,
16 November 28th of 2011, and once it is filed with the
17 Board it will be posted promptly to the Board's website.

18 To set the specific post-hearing comment
19 deadline as clearly as possible, I'll issue a Hearing
20 Officer Order very shortly so that all participants on
21 the service and notice lists are aware of that deadline.
22 I do want to note that any person may file written
23 public comments with the Board's clerk. Those can be
24 submitted electronically through the clerk's office

1 online or at COOL, and certainly any questions about
2 that process of electronic filing can be directed to the
3 clerk. Those filings, whether paper or electronic, must
4 be served on the Hearing Officer and all those entities
5 that are on the service list, and you may also contact
6 the clerk's office to obtain the most current version of
7 that list. If anyone has procedural questions about any
8 aspect of this rulemaking, my contact information is
9 listed on the Board's website.

10 Are there any other matters that we need to
11 address before adjourning the second hearing? Neither
12 seeing nor hearing any, thank you, Mr. Yost, Mr. Davis,
13 and Mr. Matoesian, for your time and participation, it's
14 appreciated and we can adjourn. Thank you very much.

15 (The hearing adjourned
16 at 1:33 o'clock p.m.)

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1 STATE OF ILLINOIS)
) SS.
2 COUNTY OF C O O K)

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4 DAVID J. DEMSKI, being first duly sworn on oath
5 says that he is a court reporter doing business in the
6 City of Chicago; that he reported in shorthand the
7 proceedings given at the taking of said hearing on the
8 18th day of November, 2007, and that the foregoing is
9 a true and correct transcript of his shorthand notes so
10 taken as aforesaid, and contains all the proceedings
11 given at said hearing.

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