

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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

No. R12-12

RECEIVED  
CLERK'S OFFICE

DEC 01 2011

STATE OF ILLINOIS  
Pollution Control Board

TRANSCRIPT FROM THE PROCEEDINGS

taken before the HEARING OFFICER DANIEL ROBERTSON  
 by DEBRA L. BURRIS, IL CSR, MO CCR, a notary  
 public within and for the County of St. Clair and  
 State of Illinois, at the Madison County  
 Administration Building, 157 North Main Street,  
 Edwardsville, Illinois, on the 30th day of  
 November, 2011, A.D., at 9:00 o'clock a.m.

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

2

3 ILLINOIS POLLUTION CONTROL BOARD

4 100 West Randolph Street

5 Suite 11-500

6 Chicago, Illinois 60601

7 (312) 814-6983

8 BY: MR. DANIEL ROBERTSON

9

10

11

12 ILLINOIS POLLUTION CONTROL BOARD MEMBERS PRESENT:

13 Ms. Jennifer Burke, Board Member

14 Mr. Thomas Holbrook, Chairman

15

16 ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,

17 1021 North Grand Avenue East

18 P.O. Box 19276

19 Springfield, Illinois 62794-9276

20 (217) 782-5544

21 BY: KENT E. MOHR, JR.

22

23

24

1 A P P E A R A N C E S: (Continued)

2

3 Mr. Stephen W. Thorpe, IEPA Manager, compliance  
4 Assurance Division of Mobile Source Programs,  
5 Bureau of Air

6

7 Mr. Michael Hills, IEPA Technical Services Vehicle  
8 Inspection and Maintenance

9

10

11

I N D E X

12

PAGES

13

Introduction by Hearing Officer Robertson.. 4 - 7

14

15

E X H I B I T S

16

(No exhibits marked.)

17

18

19

20

21

22

23

24

1 HEARING OFFICER ROBERTSON: Good  
2 morning. My name is Daniel Robertson and I have  
3 been appointed by the board to serve as hearing  
4 officer in this proceeding entitled In The Matter  
5 of Revision of Enhanced Vehicle Emission  
6 Inspection and Maintenance Regulations:  
7 Amendments to 35 Illinois Administrative Code Part  
8 240. This is listed as R12-12 in the fourth  
9 docket.

10 With me today is the presiding board  
11 member Jennifer Burke. And to her left we have  
12 also been joined by Chairman Thomas Holbrook.

13 As stated at the first hearing, this  
14 rulemaking was filed party pursuant to Section  
15 13C-20A of the Vehicle Emissions Inspection Law of  
16 2005; also stated as the VEIL of 2005. That  
17 section requires the board to adopt the rules  
18 within 120 days of receiving the agency's  
19 proposal. And this proposal has appeared in the  
20 Illinois Registrar on October 28th, 2011.

21 Under Section 13C-20A of the VEIL of  
22 2005; Section 27B of the Environmental Protection  
23 Act; and the rulemaking provisions of the  
24 Administrative Procedure Act or APA do not apply.

1 Accordingly, the board has not requested that the  
2 Department of Commerce and Economic Opportunity  
3 conduct an economic impact study of this proposal.  
4 The board also will not submit the proposal to  
5 first or second notice pursuant to Section 5-40 of  
6 the APA. The board is however conducting these  
7 two public hearings to solicit public comments.

8 The first hearing was held in Chicago on  
9 November 17, 2011, where testimony from the  
10 proponent, the Illinois Environmental Protection  
11 Agency, was heard. The purpose of today's hearing  
12 is to hear any additional testimony that anyone  
13 may wish to contribute. The filing deadline for  
14 prefiled testimony was November 28th, 2011. And  
15 no filings were received by the board.

16 During testimony please note that any  
17 question asked by a board member or staff is  
18 intended to help build a complete record for the  
19 board's decision and not to express any  
20 preconceived notion or bias. So I'll note that  
21 the agency is here with us today. And would you  
22 like to introduce yourself and your witnesses for  
23 the record?

24 ATTORNEY MOHR: Chairman Holbrook,

1 Board Member Burke, and Hearing Office Robertson,  
2 thank you for having us here today. I'm an  
3 attorney for the Illinois EPA. The Illinois EPA  
4 as you know has filed this rulemaking to reflect  
5 an amendment to PA97-106 of the Vehicle Inspection  
6 Log or Vehicle Emissions Inspection Log, 2005. I  
7 have with me today two witnesses, Michael Hills  
8 with the Technical Services section of the  
9 Division of Mobile Source Programs at the Illinois  
10 EPA. And he is to my left. And Stephen Thorpe  
11 who is the manager of the Compliance Assurance  
12 section with the Division of Mobile Source  
13 Programs at the Illinois EPA. And he is to my  
14 right.

15 We have prefiled testimony in this  
16 rulemaking entitled testimony of Michael Hills.  
17 We have not prefiled testimony from Mr. Thorpe,  
18 but he is here to answer any questions that might  
19 be asked of him. Since there are no members of  
20 the public here today, unless the board has any  
21 questions I don't believe that we need to swear in  
22 these witnesses. That's all we have.

23 HEARING OFFICER ROBERTSON: Thank you.  
24 As mentioned, we do not seem to have anyone from

1 the public here so I think at this point I'd like  
2 to go off the record for a few minutes just to  
3 give anyone extra time that may be running late.  
4 Thank you.

5 (Off the record at 9:04 a.m.)

6 (Back on the record at 9:09 a.m.)

7 HEARING OFFICER ROBERTSON: As mentioned  
8 before, the -- well let me start by saying we have  
9 waited a few extra minutes, and no one from the  
10 public has arrived. So as mentioned before the  
11 board has 120 days from the date of the agency's  
12 following to adopt these rules. So to that effect  
13 the post-hearing comments deadline has been set  
14 for December 14th, 2011. Which is two weeks from  
15 the date of this hearing. And the mailbox rule  
16 will not apply. And any filings must be received  
17 by the board on or before December 14th, 2011.

18 Finally, thank you to those of you who  
19 have attended this matter today. And this hearing  
20 is now adjourned.

21

22 (Whereupon, the above-entitled proceedings were  
23 adjourned.)

24

REPORTER'S CERTIFICATE

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

I, DEBRA L. BURRIS, CSR, CCR,  
do hereby state that I am a court reporter doing  
business in the City of Edwardsville, County of  
St. Clair, and State of Illinois; that I reported  
by means of machine shorthand the proceedings held  
in the foregoing cause, and that the foregoing is  
a true and correct transcript of my shorthand  
notes so taken as aforesaid.

*Debra L. Burris*

---

Debra L. Burris, CSR, CCR  
Notary Public, St. Clair County, Illinois



<b>A</b>	<b>B</b>	<b>conducting</b>	<b>Enhanced</b>	<b>Hills</b> 3:7 6:7	<b>machine</b> 8:6
<b>above-entit...</b>	<b>B</b> 3:15	5:6	1:3 4:5	6:16	<b>Madison</b>
7:22	<b>Back</b> 7:6	<b>Continued</b>	<b>entitled</b> 4:4	<b>him</b> 6:19	1:12
<b>Accordingly</b>	<b>before</b> 1:1,9	3:1	6:16	<b>Holbrook</b>	<b>mailbox</b> 7:15
5:1	7:8,10,17	<b>contribute</b>	<b>Environme...</b>	2:14 4:12	<b>Main</b> 1:13
<b>Act</b> 4:23,24	<b>believe</b> 6:21	5:13	2:16 4:22	5:24	<b>Maintenance</b>
<b>additional</b>	<b>bias</b> 5:20	<b>CONTROL</b>	5:10		1:4 3:8 4:6
5:12	<b>board</b> 1:1 2:3	1:1 2:3,12	<b>EPA</b> 6:3,3,10	<b>I</b>	<b>manager</b> 3:3
<b>adjourned</b>	2:12,13 4:3	<b>correct</b> 8:8	6:13	<b>IEPA</b> 3:3,7	6:11
7:20,23	4:10,17 5:1	<b>County</b> 1:11	<b>exhibits</b> 3:16	<b>IL</b> 1:10	<b>marked</b> 3:16
<b>ADM</b> 1:4	5:4,6,15,17	1:12 8:4,12	<b>express</b> 5:19	<b>ILL</b> 1:4	<b>matter</b> 1:2
<b>Administr...</b>	6:1,20 7:11	<b>court</b> 8:3	<b>extra</b> 7:3,9	<b>Illinois</b> 1:1	4:4 7:19
1:13	7:17	<b>CSR</b> 1:10 8:2		1:12,14 2:3	<b>may</b> 5:13 7:3
<b>Administr...</b>	<b>board's</b> 5:19	8:12	<b>F</b>	2:6,12,16	<b>means</b> 8:6
4:7,24	<b>Box</b> 2:18		<b>few</b> 7:2,9	2:19 4:7,20	<b>member</b> 2:13
<b>adopt</b> 4:17	<b>build</b> 5:18	<b>D</b>	<b>filed</b> 4:14 6:4	5:10 6:3,3,9	4:11 5:17
7:12	<b>Building</b>	<b>D</b> 3:11	<b>filing</b> 5:13	6:13 8:5,12	6:1
<b>aforsaid</b> 8:9	1:13	<b>Daniel</b> 1:9	<b>filings</b> 5:15	<b>IM</b> 1:4	<b>members</b>
<b>agency</b> 2:16	<b>Bureau</b> 3:5	2:8 4:2	7:16	<b>impact</b> 5:3	2:12 6:19
5:11,21	<b>Burke</b> 2:13	<b>date</b> 7:11,15	<b>Finally</b> 7:18	<b>Inspection</b>	<b>mentioned</b>
<b>agency's</b> 4:18	4:11 6:1	<b>day</b> 1:14	<b>first</b> 4:13 5:5	1:3 3:8 4:6	6:24 7:7,10
7:11	<b>Burris</b> 1:10	<b>days</b> 4:18	5:8	4:15 6:5,6	<b>Michael</b> 3:7
<b>Air</b> 3:5	8:2,12	7:11	<b>following</b>	<b>intended</b>	6:7,16
<b>amendment</b>	<b>business</b> 8:4	<b>deadline</b> 5:13	7:12	5:18	<b>might</b> 6:18
6:5		7:13	<b>foregoing</b> 8:7	<b>introduce</b>	<b>minutes</b> 7:2,9
<b>Amendme...</b>	<b>C</b>	<b>Debra</b> 1:10	8:7	5:22	<b>MO</b> 1:10
1:4 4:7	<b>C</b> 2:1 3:1	8:2,12	<b>fourth</b> 4:8	<b>Introduction</b>	<b>Mobile</b> 3:4
<b>answer</b> 6:18	<b>cause</b> 8:7	<b>December</b>	<b>from</b> 1:8 5:9	3:13	6:9,12
<b>anyone</b> 5:12	<b>CCR</b> 1:10	7:14,17	6:17,24 7:9		<b>MOHR</b> 2:21
6:24 7:3	8:2,12	<b>decision</b> 5:19	7:11,14	<b>J</b>	5:24
<b>APA</b> 4:24 5:6	<b>CERTIFI...</b>	<b>Department</b>		<b>Jennifer</b> 2:13	<b>morning</b> 4:2
<b>appeared</b>	8:1	5:2	<b>G</b>	4:11	<b>must</b> 7:16
4:19	<b>Chairman</b>	<b>Division</b> 3:4	<b>give</b> 7:3	<b>joined</b> 4:12	
<b>apply</b> 4:24	2:14 4:12	6:9,12	<b>go</b> 7:2	<b>JR</b> 2:21	<b>N</b>
7:16	5:24	<b>docket</b> 4:9	<b>Good</b> 4:1	<b>just</b> 7:2	N 2:1 3:1,11
<b>appointed</b>	<b>Chicago</b> 2:6	<b>doing</b> 8:3	<b>Grand</b> 2:17		<b>name</b> 4:2
4:3	5:8	<b>During</b> 5:16		<b>K</b>	<b>need</b> 6:21
<b>arrived</b> 7:10	<b>City</b> 8:4		<b>H</b>	<b>KENT</b> 2:21	<b>North</b> 1:13
<b>asked</b> 5:17	<b>Clair</b> 1:11	<b>E</b>	<b>H</b> 3:15	<b>know</b> 6:4	2:17
6:19	8:5,12	<b>E</b> 2:1,1,21	<b>having</b> 6:2		<b>notary</b> 1:10
<b>Assurance</b>	<b>Code</b> 1:5 4:7	3:1,1,11,15	<b>hear</b> 5:12	<b>L</b>	8:12
3:4 6:11	<b>comments</b>	<b>East</b> 2:17	<b>heard</b> 5:11	<b>L</b> 1:10 8:2,12	<b>note</b> 5:16,20
<b>attended</b>	5:7 7:13	<b>economic</b> 5:2	<b>hearing</b> 1:9	<b>late</b> 7:3	<b>notes</b> 8:9
7:19	<b>Commerce</b>	5:3	3:13 4:1,3	<b>Law</b> 4:15	<b>notice</b> 5:5
<b>attorney</b> 5:24	5:2	<b>Edwardsvi...</b>	4:13 5:8,11	<b>left</b> 4:11 6:10	<b>notion</b> 5:20
6:3	<b>complete</b>	1:14 8:4	6:1,23 7:7	<b>let</b> 7:8	<b>November</b>
<b>Avenue</b> 2:17	5:18	<b>effect</b> 7:12	7:15,19	<b>like</b> 5:22 7:1	1:15 5:9,14
<b>A.D</b> 1:15	<b>compliance</b>	<b>Emission</b> 1:3	<b>hearings</b> 5:7	<b>listed</b> 4:8	
<b>a.m</b> 1:15 7:5	3:3 6:11	4:5	<b>held</b> 5:8 8:6	<b>Log</b> 6:6,6	<b>O</b>
7:6	<b>conduct</b> 5:3	<b>Emissions</b>	<b>help</b> 5:18		<b>October</b> 4:20
		4:15 6:6	<b>her</b> 4:11	<b>M</b>	<b>off</b> 7:2,5

<b>Office</b> 6:1	<b>purpose</b> 5:11	<b>second</b> 5:5	<b>today</b> 4:10	<b>2011</b> 1:15
<b>officer</b> 1:9	<b>pursuant</b>	<b>section</b> 4:14	5:21 6:2,7	4:20 5:9,14
3:13 4:1,4	4:14 5:5	4:17,21,22	6:20 7:19	7:14,17
6:23 7:7	<b>P.O</b> 2:18	5:5 6:8,12	<b>today's</b> 5:11	<b>217</b> 2:20
<b>one</b> 7:9		<b>seem</b> 6:24	<b>transcript</b>	<b>240</b> 1:5 4:8
<b>Opportunity</b>	<b>Q</b>	<b>serve</b> 4:3	1:8 8:8	<b>27B</b> 4:22
5:2	<b>question</b> 5:17	<b>Services</b> 3:7	<b>true</b> 8:8	<b>28th</b> 4:20
<b>o'clock</b> 1:15	<b>questions</b>	6:8	<b>two</b> 5:7 6:7	5:14
	6:18,21	<b>set</b> 7:13	7:14	
<b>P</b>		<b>shorthand</b>		<b>3</b>
<b>P</b> 2:1,1 3:1,1	<b>R</b>	8:6,8	<b>U</b>	<b>30th</b> 1:14
<b>PAGES</b> 3:12	<b>R</b> 2:1 3:1	<b>Since</b> 6:19	<b>Under</b> 4:21	<b>312</b> 2:7
<b>Part</b> 1:5 4:7	<b>Randolph</b>	<b>solicit</b> 5:7	<b>unless</b> 6:20	<b>35</b> 1:4 4:7
<b>party</b> 4:14	2:4	<b>Source</b> 3:4		
<b>PA97-106</b> 6:5	<b>received</b> 5:15	6:9,12	<b>V</b>	<b>4</b>
<b>please</b> 5:16	7:16	<b>Springfield</b>	<b>Vehicle</b> 1:3	4 3:13
<b>point</b> 7:1	<b>receiving</b>	2:19	3:7 4:5,15	
<b>POLLUTL...</b>	4:18	<b>St</b> 1:11 8:5	6:5,6	<b>5</b>
1:1 2:3,12	<b>record</b> 5:18	8:12	<b>VEIL</b> 4:16	<b>5-40</b> 5:5
<b>post-hearing</b>	5:23 7:2,5,6	<b>staff</b> 5:17	4:21	
7:13	<b>reflect</b> 6:4	<b>start</b> 7:8		<b>6</b>
<b>preconceived</b>	<b>Registrar</b>	<b>state</b> 1:12 8:3	<b>W</b>	<b>60601</b> 2:6
5:20	4:20	8:5	<b>W</b> 3:3	<b>62794-9276</b>
<b>prefiled</b> 5:14	<b>Regulations</b>	<b>stated</b> 4:13	<b>waited</b> 7:9	2:19
6:15,17	1:4 4:6	4:16	<b>weeks</b> 7:14	
<b>PRESENT</b>	<b>reported</b> 8:5	<b>Stephen</b> 3:3	<b>well</b> 7:8	<b>7</b>
2:12	<b>reporter</b> 8:3	6:10	<b>were</b> 5:15	7 3:13
<b>presiding</b>	<b>REPORTE...</b>	<b>Street</b> 1:13	7:22	<b>782-5544</b>
4:10	8:1	2:4	<b>West</b> 2:4	2:20
<b>Procedure</b>	<b>requested</b> 5:1	<b>study</b> 5:3	<b>wish</b> 5:13	
4:24	<b>requires</b> 4:17	<b>submit</b> 5:4	<b>witnesses</b>	<b>8</b>
<b>proceeding</b>	<b>Revision</b> 1:3	<b>Suite</b> 2:5	5:22 6:7,22	<b>814-6983</b> 2:7
4:4	4:5	<b>swear</b> 6:21		
<b>proceedings</b>	<b>right</b> 6:14		<b>X</b>	<b>9</b>
1:8 7:22 8:6	<b>Robertson</b>	<b>T</b>	<b>X</b> 3:11,15	<b>9:00</b> 1:15
<b>Programs</b>	1:9 2:8 3:13	<b>T</b> 3:15		<b>9:04</b> 7:5
3:4 6:9,13	4:1,2 6:1,23	<b>taken</b> 1:9 8:9	<b>1</b>	<b>9:09</b> 7:6
<b>proponent</b>	7:7	<b>Technical</b>	<b>100</b> 2:4	
5:10	<b>rule</b> 7:15	3:7 6:8	<b>1021</b> 2:17	
<b>proposal</b>	<b>rulemaking</b>	<b>testimony</b> 5:9	<b>11-500</b> 2:5	
4:19,19 5:3	4:14,23 6:4	5:12,14,16	<b>120</b> 4:18 7:11	
5:4	6:16	6:15,16,17	<b>13C-20A</b>	
<b>Protection</b>	<b>rules</b> 4:17	<b>thank</b> 6:2,23	4:15,21	
2:16 4:22	7:12	7:4,18	<b>14th</b> 7:14,17	
5:10	<b>running</b> 7:3	<b>think</b> 7:1	<b>157</b> 1:13	
<b>provisions</b>	<b>R12-12</b> 1:3	<b>Thomas</b> 2:14	17 5:9	
4:23	4:8	4:12	<b>19276</b> 2:18	
<b>public</b> 1:11		<b>Thorpe</b> 3:3		
5:7,7 6:20	<b>S</b>	6:10,17	<b>2</b>	
7:1,10 8:12	<b>S</b> 2:1 3:1,15	<b>time</b> 7:3	<b>2005</b> 4:16,16	
	<b>saying</b> 7:8		4:22 6:6	