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A P P E A R A N C E S

MS. KATIE PAPADIMITRIU, Chairman  
MR. MARTIN KLEIN, Board Member  
MS. CARRIE ZALEWSKI, Board Member  
MR. ANAND RAO, Technical Unit  
MS. MARIE TIPSORD  
MS. TANYA RABCZAK  
MR. DANIEL PAULEY

1 HEARING OFFICER KLEIN: All right.  
2 It is 10:00 a.m. Good morning, everybody, and  
3 welcome to the Illinois Pollution Control Board.  
4 My name is Martin Klein. I am the Hearing Officer  
5 for this rulemaking entitled Amendments to 35 Ill.  
6 Adm. Code Subtitle M: Biological Materials, Board  
7 Docket Number R18-29.

8 Also present from the Board are  
9 Katie Papadimitriu, chairman of the Board, and  
10 Board Member Carrie Zalewski. In addition, we  
11 have Dr. Rao.

12 MR. RAO: Mr.

13 HEARING OFFICER KLEIN: Mr. Anand  
14 Rao who is the chief scientist of the Board's  
15 Technical Unit. We also have Marie Tipsord, the  
16 general counsel of the Board; Tanya Rabczak,  
17 attorney advisor to Katie Papadimitriu; and Daniel  
18 Pauley, staff attorney with the Board.

19 Today's hearing is covered by  
20 the Board's procedural rules. Before we begin, a  
21 little bit of background about this rulemaking.  
22 The Board's potentially infectious medical waste  
23 rules address definitions, prohibition, permitting  
24 and the minimum standards for the treatment,

1 packaging, storage, transportation and disposal of  
2 potentially infectious medical waste. This  
3 rulemaking is part of the Board's comprehensive  
4 review of its rules. Recognizing that some of the  
5 Board's rules may no longer be current due to  
6 changing technology and practices, the Board began  
7 a review of its rules to streamline and update  
8 them.

9 In this case, the Board's  
10 potentially infectious medical waste rules have  
11 not been amended since they were adopted in 1993.  
12 The Board's proposed amendments in this rulemaking  
13 are meant to remove legalese and redundant,  
14 superfluous language as well as reorganize some  
15 provisions for clarity. The amendments also make  
16 additions consistent with amendments to the act  
17 and change citations and statutory language to  
18 comply with style requirements of the Illinois  
19 Administrative Code.

20 In this rulemaking, the Board  
21 adopt proposed amendments for public comment on  
22 May 10th of 2018 without submitting it to first  
23 notice publication. On the same day, the Board  
24 requested an economic impact study from the

1 Department of Commerce and Economic Community by  
2 letter. As of this date, the Board has not  
3 received a response the DCEO.

4 The Board invited comments and  
5 scheduled two hearings on the proposal by video  
6 conference in Chicago and Springfield. The  
7 hearings are to address the merits and economic  
8 impacts of the proposal.

9 Today, we begin the first  
10 hearing that, if necessary, will continue to  
11 tomorrow. The second hearing is scheduled for  
12 October 17th. Notice of the hearings were  
13 published on August 1st, 2018, in the State  
14 Journal Register of Springfield and the Chicago  
15 Sun Times. On July 30th, a Hearing Officer order  
16 directed participants who intended to testify at  
17 this hearing to pre-file that testimony on August  
18 24th and that any questions of that testimony be  
19 pre-filed on August 30th. No pre-filed testimony  
20 or questions were filed nor has anyone notified  
21 the Board of their intent to provide testimony.  
22 At the front of the hearing room here in Chicago  
23 and in Springfield we've placed signup sheets for  
24 providing spoken, public comments. As of today,

1 the Board has received two written public comments  
2 which can be found by searching for this docket  
3 number on the Board's website.

4 It's been brought to my  
5 attention that someone from Stericycle is to  
6 provide testimony today. If he could please be  
7 given an oath so that he can then read his  
8 testimony.

9 WHEREUPON:

10 AL BURSON  
11 called as a witness herein, having been first duly  
12 sworn, deposeth and saith as follows:

13 HEARING OFFICER KLEIN: Before you  
14 begin, can you please identify yourself.

15 MR. BURSON: My name is Al Burson,  
16 B-U-R-S-O-N. I'm a corporate director of  
17 incinerator compliance for Stericycle.

18 HEARING OFFICER KLEIN: You may  
19 begin.

20 MR. BURSON: Okay. I am basically  
21 going to read what we -- our comments that we  
22 submitted prior to August 24th. Stericycle  
23 appreciates the opportunity to provide input to  
24 the Illinois Pollution Control Board, hereinafter

1 referred to as the Board, proposed amendments to  
2 the potentially infectious medical waste rules.

3           The Board notes that the rules  
4 have not changed or been amended since their  
5 adoption in 1993 and, thus, the Board has  
6 recognized that these rules are no longer current  
7 and in need of streamline, update and basically  
8 overhaul.

9           We support this rulemaking and  
10 we would like the opportunity to provide valuable  
11 input regarding our area of specialized expertise  
12 specific to the safe and proper management,  
13 treatment and disposal of potentially infectious  
14 medical waste. Stericycle is a publicly traded  
15 company based here in Illinois, in Lake Forest.  
16 We have estimated revenues of approximately \$3.56  
17 billion, operate over 215 medical and hazardous  
18 waste facilities in the United States. We have, I  
19 think, about a million customers worldwide and --  
20 let me see. We employ approximately a thousand  
21 people in the State of Illinois.

22           Our corporate vision is  
23 protecting what matters. Stericycle in Illinois  
24 has been operating the facilities under the

1 potential infectious medical waste rules and other  
2 applicable rules in US EPA, the US Department of  
3 Transportation, the Occupational Safety and Health  
4 Administration since the commencement of these  
5 facilities that we have operating here. We have  
6 an incinerator in Clinton, Illinois, a transfer  
7 station in Itasca and -- and several other  
8 facilities including a call center in Aurora.

9 But a lot of things have changed  
10 since these rules went into place. So that's why  
11 we're in support of this change. On top of that,  
12 without going further into the comments we  
13 provided, Stericycle believes that a stakeholder  
14 process should be implemented between other  
15 members of the industry and the Board itself or  
16 the agencies involved with it. Our comments  
17 basically are we are for this and we would like a  
18 stakeholder committee or stakeholders to be  
19 involved in the process as the change comes about.  
20 And that's it.

21 MS. ZALEWSKI: Can I ask a question?  
22 Mr. Burson, is Stericycle planning on submitting  
23 suggested language?

24 MR. BURSON: We would like to, but



1 in a form of a stakeholder meeting, if possible.  
2 If a stakeholder process isn't held, then we will  
3 submit written comments line by line to the rules.

4 MS. ZALEWSKI: When you say  
5 stakeholder meeting, can you explain what you  
6 mean, what you envision?

7 MR. BURSON: Typically, when we're  
8 involved in this process within other  
9 jurisdictions, other companies come together and  
10 work with -- with I'll say the Pollution Control  
11 Board to rewrite and change the regulations where  
12 they need to be changed and we understand  
13 statutorily some things can't be changed but other  
14 things can and since it's been 25 years since the  
15 rule has been in effect there has been new  
16 technologies, changes in science and -- and  
17 knowledge and our other people within the industry  
18 we feel it would be best if we all came together  
19 as a group and went line by line through the  
20 regulations to determine what needs to be changed  
21 and what -- what may have to be added.

22 MS. PAPADIMITRIU: Sir, as a  
23 follow-up -- this is Chairman Papadimitriou.

24 Is it your belief that this

1 process the Board has put in place right now is  
2 insufficient?

3 MR. BURSON: Yeah, we're -- you kind  
4 of got me at a disadvantage. This is the first  
5 time we're actually -- because this is the first  
6 time since 1993 that the rules have been changed.  
7 So -- so we're pretty new to this process on this  
8 side. We have been involved with the air side of  
9 the regulations which was really federally  
10 mandated. So that was a little bit different than  
11 this. We have no problems submitting redlines to  
12 the current rules or our suggested changes, but  
13 historically we've seen where we have done this in  
14 other states where stakeholders are involved,  
15 including members of the community that this  
16 impacts. We get a better set of regulations in  
17 the end.

18 MS. PAPADIMITRIU: So forgive me,  
19 Martin, we notified the community as well as other  
20 companies about this rulemaking, correct?

21 HEARING OFFICER KLEIN: Yeah, we  
22 sent a notice of initiation of the proposed rule  
23 to several stakeholders through membership  
24 organizations and then in addition we did two

1 statewide newspaper publications notice of these  
2 hearings as well.

3 MS. ZALEWSKI: I'm looking at the  
4 service list. I see 12 in one particular list in  
5 addition to the newspapers.

6 HEARING OFFICER KLEIN: For the  
7 record, this is Tanya Rabczak.

8 MS. RABCZAK: May I suggest  
9 something? If you know specific industry groups  
10 that you think might be interested, could you  
11 submit their names to the Hearing Officer so we  
12 can check whether we have them in the notice list?  
13 You can also check our notice list on the website  
14 and see who we notified and see if you know others  
15 who might be interested and who are not on that  
16 list.

17 MR. BURSON: Okay. Yeah, in --  
18 in -- we'd be happy to take the lead on -- on  
19 getting the stakeholders together. We have done  
20 that previously in other jurisdictions. So it's  
21 not a problem for us to reach out to our  
22 colleagues within the industry and other  
23 stakeholders.

24 HEARING OFFICER KLEIN: All right.

1 So really quickly, Marie Tipsord, general counsel.

2 MS. TIPSORD: Yeah, I just want to  
3 give you a little background on the Pollution  
4 Control Board. I don't know if you can see me  
5 because I don't know what your camera angle is  
6 down there, but the Illinois Pollution Control  
7 Board is quasi judicial/quasi legislative. We --  
8 we propose these rules, but, if I recall right, we  
9 made clear these are not supposed to be  
10 substantive changes to the rules.

11 HEARING OFFICER KLEIN: Correct.

12 MS. TIPSORD: And it is not our  
13 intent at this point to undertake a substantive  
14 change to the rule. So I understand when you're  
15 talking about stakeholders meeting and things like  
16 that. That's a process where you negotiate the  
17 rules, so to speak. That's a process that is  
18 usually handled by the Illinois Environmental  
19 Protection Agency before a rule is brought to the  
20 Board. The Board, because we have ex parte  
21 constraints, we can't meet with stakeholders  
22 except in a public hearing like this.

23 MR. BURSON: Okay.

24 MS. TIPSORD: So we have a little

1 bit of limitation on us that you might not have  
2 normally seen when you have worked with other  
3 jurisdictions. So our only ability to meet with  
4 stakeholders is through a public comment process  
5 or through public comments, which we encourage.  
6 But, again, I think our intent here is to clear up  
7 non-substantively the rules and go forward, but if  
8 you believe that a substantive change to the rules  
9 should be made, certainly let us know that and we  
10 can take a look from there and if you have others  
11 in the industry who believe that as well, we'd  
12 love to hear from them.

13 MR. BURSON: Absolutely.

14 MS. ZALEWSKI: And we still would  
15 encourage the redlining for things like the  
16 redundancy. I mean, that's helpful to us.  
17 Especially from -- it's helpful to us to hear from  
18 someone from the industry of ways they think that  
19 we can bring clarity to the rule. So, you know,  
20 that -- if you can do that, it would be very  
21 helpful, especially in this particular rule.

22 MR. BURSON: Okay. When -- when --  
23 we will submit clarifications, et cetera. When is  
24 the deadline? I don't think that's been --

1 HEARING OFFICER KLEIN: We have not  
2 yet set a final deadline for comments on this. I  
3 would encourage if you had proposed language to  
4 file that by the deadline set in the Hearing  
5 Officer order for the second hearing on the 17th  
6 so that the agency or any other stakeholders would  
7 have the opportunity to -- excuse me -- to provide  
8 input on your proposal.

9 MR. BURSON: Okay. Absolutely.  
10 Understood.

11 HEARING OFFICER KLEIN: Great. Is  
12 there anything more? Okay. Is there anyone else  
13 who wishes to provide testimony or provide public  
14 comment? From based on the signup sheet in front,  
15 it looks like no one has signed up. Anyone in  
16 Springfield?

17 MR. NEIBERGALL: No one else is  
18 here.

19 HEARING OFFICER KLEIN: For the  
20 record, there is no one else here. It's 10:15  
21 now. Okay. So let's take a ten-minute break.  
22 We'll come back at 10:25 to give folks  
23 opportunities, CTA often is backed up, and give  
24 them an opportunity to show up and, if not, then

1 we'll move forward. So, I'll see everyone in ten  
2 minutes and we'll reconvene at 10:25. Okay.

3 (Whereupon, a break was taken  
4 after which the following  
5 proceedings were had.)

6 HEARING OFFICER KLEIN: It is --  
7 back on the record. It is 10:26. I am -- I will  
8 ask once more, is there anyone in Springfield that  
9 wishes to provide a public comment?

10 MR. NEIBERGALL: No one here in  
11 Springfield.

12 HEARING OFFICER KLEIN: Thank you.  
13 Is there anyone in Chicago? Note for the record  
14 there is no one in Chicago. So before we adjourn,  
15 as a reminder the second hearing for this  
16 proceeding is scheduled for October -- October  
17 17th, 2018, at 10:00 a.m. It will be held by  
18 video conference between the Board's Springfield  
19 and Chicago offices. It will also be continued to  
20 the following day, if necessary.

21 The July 30th Hearing Officer  
22 order set deadlines for pre-filing in that  
23 hearing, pre-filed testimony due by October 3rd  
24 and pre-filed questions October 10th. Because

1 this hearing is conducted by video conference, any  
2 documents to be offered as hearing exhibits must  
3 be received by the Board's clerk's office at least  
4 24 hours before the start of the scheduled  
5 hearing. I will set the deadline for post-hearing  
6 comments by Hearing Officer order after the second  
7 hearing.

8                   Meanwhile, members of the public  
9 are encouraged to submit any comments they have or  
10 file testimony. The transcript of today's hearing  
11 will be available in approximately a week. All  
12 comments, testimony and transcripts of the  
13 hearings will be posted on the Board's website to  
14 the clerk's office's online filing system, or  
15 COOL, and are publicly available.

16                   Are there any other matters that  
17 need to be addressed at this time? Hearing none,  
18 I would like to thank everyone for participating  
19 today and this first hearing is adjourned. Thank  
20 you.

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1 STATE OF ILLINOIS )  
2 ) SS.  
3 COUNTY OF COOK )  
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5 I, Steven Brickey, Certified Shorthand  
6 Reporter, do hereby certify that I reported in  
7 shorthand the proceedings had at the trial  
8 aforesaid, and that the foregoing is a true,  
9 complete and correct transcript of the proceedings  
10 of said trial as appears from my stenographic  
11 notes so taken and transcribed under my personal  
12 direction.

13 Witness my official signature in and for  
14 Cook County, Illinois, on this \_\_\_\_\_ day of  
15 \_\_\_\_\_, A.D., 2018.

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STEVEN BRICKEY, CSR  
8 West Monroe Street  
Suite 2007  
Chicago, Illinois 60603  
Phone: (312) 419-9292  
CSR No. 084-004675

<p><b>A</b></p> <p><b>A.D</b> 17:15 <b>a.m</b> 1:10 3:2 15:17 <b>ability</b> 13:3 <b>Absolutely</b> 13:13 14:9 <b>act</b> 4:16 <b>added</b> 9:21 <b>addition</b> 3:10 10:24 11:5 <b>additions</b> 4:16 <b>address</b> 3:23 5:7 <b>addressed</b> 16:17 <b>adjourn</b> 15:14 <b>adjourned</b> 16:19 <b>Adm</b> 1:4 3:6 <b>Administration</b> 8:4 <b>Administrative</b> 4:19 <b>adopt</b> 4:21 <b>adopted</b> 4:11 <b>adoption</b> 7:5 <b>advisor</b> 3:17 <b>aforsaid</b> 17:8 <b>agencies</b> 8:16 <b>agency</b> 12:19 14:6 <b>air</b> 10:8 <b>Al</b> 6:10,15 <b>amended</b> 4:11 7:4 <b>amendments</b> 1:4 3:5 4:12,15,16,21 7:1 <b>Anand</b> 2:3 3:13 <b>angle</b> 12:5 <b>appears</b> 17:10 <b>applicable</b> 8:2 <b>appreciates</b> 6:23 <b>approximately</b> 7:16,20 16:11 <b>area</b> 7:11 <b>attention</b> 6:5 <b>attorney</b> 3:17,18 <b>August</b> 5:13,17,19 6:22 <b>Aurora</b> 8:8</p>	<p><b>available</b> 16:11,15</p> <hr/> <p><b>B</b></p> <p><b>B-U-R-S-O-N</b> 6:16 <b>back</b> 14:22 15:7 <b>backed</b> 14:23 <b>background</b> 3:21 12:3 <b>based</b> 7:15 14:14 <b>basically</b> 6:20 7:7 8:17 <b>began</b> 4:6 <b>belief</b> 9:24 <b>believe</b> 13:8,11 <b>believes</b> 8:13 <b>best</b> 9:18 <b>better</b> 10:16 <b>billion</b> 7:17 <b>Biological</b> 1:4,5 3:6 <b>bit</b> 3:21 10:10 13:1 <b>Board</b> 1:1,8 2:2,3 3:3,6,8,9,10,16,18 4:6,20,23 5:2,4,21 6:1,24 7:1,3,5 8:15 9:11 10:1 12:4,7,20,20 <b>Board's</b> 3:14,20,22 4:3,5,9,12 6:3 15:18 16:3,13 <b>break</b> 14:21 15:3 <b>Brickey</b> 1:8 17:5,20 <b>bring</b> 13:19 <b>brought</b> 6:4 12:19 <b>Burson</b> 6:10,15,15 6:20 8:22,24 9:7 10:3 11:17 12:23 13:13,22 14:9</p> <hr/> <p><b>C</b></p> <p><b>C</b> 2:1 <b>call</b> 8:8 <b>called</b> 1:8 6:11 <b>camera</b> 12:5 <b>Carrie</b> 2:3 3:10 <b>case</b> 4:9</p>	<p><b>cause</b> 1:7 <b>center</b> 8:8 <b>certainly</b> 13:9 <b>Certified</b> 17:5 <b>certify</b> 17:6 <b>cetera</b> 13:23 <b>chairman</b> 2:2 3:9 9:23 <b>change</b> 4:17 8:11 8:19 9:11 12:14 13:8 <b>changed</b> 7:4 8:9 9:12,13,20 10:6 <b>changes</b> 9:16 10:12 12:10 <b>changing</b> 4:6 <b>check</b> 11:12,13 <b>Chicago</b> 1:9 5:6,14 5:22 15:13,14,19 17:22 <b>chief</b> 3:14 <b>citations</b> 4:17 <b>clarifications</b> 13:23 <b>clarity</b> 4:15 13:19 <b>clear</b> 12:9 13:6 <b>clerk's</b> 16:3,14 <b>Clinton</b> 8:6 <b>Code</b> 1:5 3:6 4:19 <b>colleagues</b> 11:22 <b>come</b> 9:9 14:22 <b>comes</b> 8:19 <b>commencement</b> 8:4 <b>commencing</b> 1:10 <b>comment</b> 4:21 13:4 14:14 15:9 <b>comments</b> 5:4,24 6:1,21 8:12,16 9:3 13:5 14:2 16:6,9 16:12 <b>Commerce</b> 5:1 <b>committee</b> 8:18 <b>community</b> 5:1 10:15,19 <b>companies</b> 9:9 10:20</p>	<p><b>company</b> 7:15 <b>complete</b> 17:9 <b>compliance</b> 6:17 <b>comply</b> 4:18 <b>comprehensive</b> 4:3 <b>conducted</b> 16:1 <b>conference</b> 5:6 15:18 16:1 <b>consistent</b> 4:16 <b>constraints</b> 12:21 <b>continue</b> 5:10 <b>continued</b> 15:19 <b>Control</b> 1:1,8 3:3 6:24 9:10 12:4,6 <b>Cook</b> 17:3,14 <b>COOL</b> 16:15 <b>corporate</b> 6:16 7:22 <b>correct</b> 10:20 12:11 17:9 <b>counsel</b> 3:16 12:1 <b>County</b> 17:3,14 <b>covered</b> 3:19 <b>CSR</b> 1:8 17:20,23 <b>CTA</b> 14:23 <b>current</b> 4:5 7:6 10:12 <b>customers</b> 7:19</p> <hr/> <p><b>D</b></p> <p><b>Daniel</b> 2:5 3:17 <b>date</b> 5:2 <b>day</b> 1:9 4:23 15:20 17:14 <b>DCEO</b> 5:3 <b>deadline</b> 13:24 14:2 14:4 16:5 <b>deadlines</b> 15:22 <b>definitions</b> 3:23 <b>Department</b> 5:1 8:2 <b>deposeth</b> 6:12 <b>determine</b> 9:20 <b>different</b> 10:10 <b>directed</b> 5:16</p>	<p><b>direction</b> 17:12 <b>director</b> 6:16 <b>disadvantage</b> 10:4 <b>disposal</b> 4:1 7:13 <b>docket</b> 3:7 6:2 <b>documents</b> 16:2 <b>Dr</b> 3:11 <b>due</b> 4:5 15:23 <b>duly</b> 6:11</p> <hr/> <p><b>E</b></p> <p><b>E</b> 2:1,1 <b>economic</b> 4:24 5:1 5:7 <b>effect</b> 9:15 <b>employ</b> 7:20 <b>encourage</b> 13:5,15 14:3 <b>encouraged</b> 16:9 <b>entitled</b> 1:7 3:5 <b>Environmental</b> 12:18 <b>envision</b> 9:6 <b>EPA</b> 8:2 <b>especially</b> 13:17,21 <b>estimated</b> 7:16 <b>et</b> 13:23 <b>everybody</b> 3:2 <b>ex</b> 12:20 <b>excuse</b> 14:7 <b>exhibits</b> 16:2 <b>expertise</b> 7:11 <b>explain</b> 9:5</p> <hr/> <p><b>F</b></p> <p><b>facilities</b> 7:18,24 8:5,8 <b>federally</b> 10:9 <b>feel</b> 9:18 <b>file</b> 14:4 16:10 <b>filed</b> 5:20 <b>filing</b> 16:14 <b>final</b> 14:2 <b>first</b> 4:22 5:9 6:11 10:4,5 16:19</p>
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