

ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF: )  
 )  
PROPOSAL OF VAUGHAN & ) R06-11  
BUSHNELL MANUFACTURING ) (Rulemaking-Noise)  
COMPANY OF AMENDMENT TO )  
A SITE-SPECIFIC RULE )  
35 ILL. ADM. CODE 901.121 )

Proceedings held on October 31st,  
2006, at 10 a.m. at the Illinois Pollution  
Control Board Hearing Room, 1021 North Grand  
Avenue East, North Entrance, Springfield,  
Illinois, before John Knittle, Chief Hearing  
Officer.

Reported by: Beverly S. Hopkins, CSR, RPR  
CSR License No.: 084-004316

KEEFE REPORTING COMPANY  
11 North 44th Street  
Belleville, IL 62226

APPEARANCES

ILLINOIS POLLUTION CONTROL BOARD  
Mr. John Knittle  
Hearing Officer  
2125 South First Street  
Champaign, Illinois 61820  
(217) 278-3111

BOARD MEMBERS PRESENT:  
Mr. Thomas Johnson

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY  
Ms. Erin Conley  
Rulemaking Coordinator  
1021 North Grand Avenue East  
Springfield, Illinois 62794  
(217) 782-9807

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY  
Mr. Mark V. Gurnik  
Assistant Counsel  
1021 North Grand Avenue East  
Springfield, Illinois 62794  
(217) 782-9807

1 HEARING OFFICER KNITTLE: My name is  
2 John Knittle. Good morning, I'm the Board  
3 hearing officer for the rulemaking proposal  
4 before us today: R06-11, In the Matter of the  
5 Proposal of Vaughan and Bushnell -- Bushnell --

6 MR. JOHNSON: Bushnell.

7 HEARING OFFICER KNITTLE: --  
8 Manufacturing Company of Amendment to a  
9 Site-Specific Rule 35 Ill. Adm. Code 901-121. We  
10 have already held a hearing in this matter on  
11 March 7th, 2006, at which point we elicited all  
12 of the substantive testimony, and the Board went  
13 to first notice on July 20th, 2006.

14 At that time, we had not received a  
15 response from the Department of Commerce and  
16 Economic Opportunity so this hearing is being  
17 held solely for the purpose of fulfilling the  
18 Section 27(b) requirements of the Act.

19 Section 27(b) of the Act requires the  
20 Board to request the Department of Commerce and  
21 Economic Opportunity to conduct an Economic  
22 Impact Study on certain proposed rules prior to  
23 the adoption of those rules. If the DCEO chooses  
24 to conduct an Economic Study, they have 30 to 45

1 days after our request to produce a study of the  
2 Economic Impact of the proposed rule.

3 The Board must then make the study, or  
4 the DCEO's explanation for not conducting the  
5 study, available to the public at least 20 days  
6 before public hearing on the Economic Impact of  
7 the proposed rules.

8 In this case, we, the Board, sent the  
9 letter to the Department of Commerce and Economic  
10 Opportunity on January 24th, 2006, requesting a  
11 study for this rulemaking. In that letter the  
12 Board asked the DCEO to provide a decision as  
13 soon as possible. No response to the letter was  
14 received. Based on this non-response and the  
15 DCEO's past assertions that it does not have the  
16 financial resources to perform the ECIS studies,  
17 that's an acronym for Economic Impact Study, the  
18 Board considers that the DCEO decided not to  
19 conduct the study 30 days after the letter was  
20 sent on February 23rd, 2006.

21 The Board's letter, and the documents  
22 insisting the DCEO's response, were available to  
23 the public for more than 20 days prior to this  
24 hearing. They were available at the Board's

1 offices in the Chicago office.

2 We received no comments prior to this  
3 hearing and are now going to open up the hearing  
4 to see if there are any comments on the DCEO's  
5 decision not to hold a -- not to have a study on  
6 this matter? Any comments from the large  
7 audience?

8 (No comments.)

9 HEARING OFFICER KNITTLE: Seeing none,  
10 we're going to recess for 20 minutes to allow the  
11 opportunity for anybody who wants to provide  
12 comments on the DCEO's decision the chance to do  
13 so. Also, I was remiss in noting, for the  
14 record, that we have with us today Board Member  
15 Johnson who is in charge of this rulemaking. Mr.  
16 Johnson, anything you want to add?

17 BOARD MEMBER JOHNSON: No. We might  
18 indicate for the record who else is here.

19 HEARING OFFICER KNITTLE: I was about  
20 to do that. We have Mark Gurnik, I think, from  
21 the IEPA. Mr. Gurnik, do you have anything to  
22 add?

23 MR. GURNIK: No comment at this time.

24 HEARING OFFICER KNITTLE: And we also

1 have Board Rulemaking Coordinator,  
2 extraordinaire, Erin Conley in the audience.  
3 Erin, anything you want to add at this point in  
4 time?

5 MS. CONLEY: No.

6 HEARING OFFICER KNITTLE: Let the  
7 record reflect that she said no. That's it.  
8 Let's recess for 20 minutes and see if anybody  
9 wants to provide comment on this study, or lack  
10 of study.

11 (A 20-minute break was taken.)

12 HEARING OFFICER KNITTLE: We are back  
13 on the record after approximately a 20-minute  
14 recess. We still have no members of the public  
15 or anybody else coming in wishing to offer any  
16 comments on the Department of Commerce and --  
17 Department of Commerce and Economic Opportunity's  
18 decision not hold an -- not to have an Economic  
19 Impact Study on this rule. So, Mr. Gurnik, do  
20 you have any comments before we close the  
21 hearing?

22 MR. GURNIK: No comment.

23 HEARING OFFICER KNITTLE: Mr. Johnson?

24 BOARD MEMBER JOHNSON: Nothing for me.

1 Thank you.

2 HEARING OFFICER KNITTLE: We want to  
3 thank pretty much just Mr. Gurnik and the court  
4 reporter for their time, and thank you all very  
5 much and -- Oh, just for the record, there will  
6 be no public comment period on this rulemaking.  
7 Public comment period is now closed, and we  
8 should be putting out an order shortly. Thank  
9 you.

10 (This concludes the Rulemaking  
11 hearing.)

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STATE OF ILLINOIS

COUNTY OF FAYETTE

C E R T I F I C A T E

I, BEVERLY S. HOPKINS, a Notary Public in and for the County of Fayette, State of Illinois, DO HEREBY CERTIFY that the foregoing seven pages comprise a true, complete and correct transcript of the proceedings held on the 31st day of October, 2006, at the Illinois Pollution Control Board Hearing Room, 1021 North Grand Avenue East, North Entrance, Springfield, Illinois, In the Matter of: Proposal of Vaughan & Bushnell Manufacturing Company of Amendment to a Site-Specific Rule 35 Ill. Adm. Code 901.121, in proceedings held before Hearing Officer John Knittle, and recorded in machine shorthand by me.

IN WITNESS WHEREOF I have hereunto set my hand and affixed by Notarial Seal this 31st day of October, 2006.

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Beverly S. Hopkins, CSR, RPR  
Notary Public and  
CSR License No. 084-004316