

ILLINOIS POLLUTION CONTROL BOARD
May 16th, 2007

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STATE OF ILLINOIS
Pollution Control Board

IN THE MATTER OF:)
)
PROPOSED AMENDMENTS TO THE)
BOARD'S PROCEDURAL RULES AND) R07-17
UNDERGROUND STORAGE TANK) (Procedural and
REGULATIONS TO REFLECT P.A.) Land Rulemaking)
94-0274, P.A. 94-0276, AND P.A.)
94-0824 (35 ILL. ADM. CODE)
101.202, 732.103, 732.702,)
734.115, 734.710),)

TRANSCRIPT OF PROCEEDINGS held in the
above-entitled cause before Hearing Officer
Timothy J. Fox, called by the Illinois Pollution
Control Board, pursuant to notice, taken before
Julia A. Bauer, CSR, RPR, a Notary Public within and
for the County of Cook and State of Illinois, at
the Thompson Center, 100 West Randolph, Room 11-512,
Chicago, Illinois, commencing at the hour of
1:00, p.m., on the 16th day of May, A.D., 2007.

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

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 ILLINOIS POLLUTION CONTROL BOARD

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 James R. Thompson Center

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 100 West Randolph Street

 Suite 11-500

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 Chicago, Illinois 60601

 (312) 814-6032

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 BY: MR. TIMOTHY J. FOX, Hearing Officer

 MS. ANDREA S. MOORE, Board Member

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 MR. THOMAS E. JOHNSON, Board Member

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1 THE HEARING OFFICER: Good afternoon
2 and welcome to this Illinois Pollution
3 Control Board hearing. My name is Tim Fox,
4 and I am the hearing officer for this
5 rulemaking proceeding entitled, "Proposed
6 Amendments to the Board's Procedural Rules
7 and Underground Storage Tank Regulations to
8 Reflect Public Act 94-274, Public Act 94-276,
9 and Public Act 94-824 (35 Illinois
10 Administrative Code 101.202, 732.103,
11 732.702, 734.115 and 734.710.)" The Board
12 docket number for this rulemaking is
13 R07-17. The Board initiated this rulemaking
14 proposal on April 19th, 2007, by adopting an
15 opinion and order sending these proposed
16 amendments to first noticed publication in
17 the Illinois Register where they appeared on
18 May 4th, 2007.

19 Also present today from the
20 Pollution Control Board are, to my left,
21 Board Member Andrea S. Moore, M-O-O-R-E, the
22 lead Board member for this rulemaking,
23 and also to my right, Board Member
24 Thomas E. Johnson.

1 Today we are holding the first
2 hearing in this rulemaking. The second
3 hearing is now scheduled to take place
4 Thursday, June 7th, in Springfield. This
5 proceeding is governed by the Board's
6 procedural rules. All information that is
7 relevant and that is not repetitious or
8 privileged will be admitted into the record.
9 Please note that any questions that may be
10 posed today either by the Board members or
11 Board staff are intended solely to develop a
12 clear and complete record for the Board's
13 decision and do not reflect any prejudgment
14 of the proposal.

15 The Board has not received any
16 prefiled testimony in this proceeding, and
17 the sign-up sheet on which people can
18 indicate an interest in testifying appears to
19 be blank, and no members of the public, in
20 fact, no persons, other than Board Members
21 Johnson and Moore, are present today.

22 Accordingly, what we will do is,
23 since it is just 5 after 1:00 p.m., five
24 minutes into the scheduled time for the

1 hearing, go off the record, wait
2 approximately 15 to 20 minutes to allow any
3 late arrivals to appear, who may wish either
4 to testify, to ask questions or offer a
5 public comment, and at the conclusion of that
6 15- to 20-minute period, we will come back on
7 the record either to address those comments
8 and questions or to adjourn the hearing after
9 making some quick procedural announcements.
10 Thank you.

11 (Whereupon, a discussion
12 was had off the record.)

13 THE HEARING OFFICER: Thank you for
14 rejoining us. It is now approximately
15 20 minutes after 1:00, and we have allowed 15
16 to 20 minutes to lapse so that we could
17 accommodate any late arrivals who wish to
18 offer testimony, pose questions or make
19 comments of any kind. I have in hand a sheet
20 labeled the, "Witness Sign-up Sheet," on
21 which no one has indicated by signing in that
22 they would like to offer testimony. And for
23 the record, no member of the public is
24 present here after our brief adjournment to

1 allow late arrivals to appear.

2 I do want to address a couple of
3 quick procedural issues, simply to get those
4 into the record. Any person may file written
5 public comments in this rulemaking with the
6 Clerk of the Board. Filings may be made
7 through the Board's Clerk's office on-line or
8 the C.O.O.L. system. Any questions about
9 electronic filing through C.O.O.L. should be
10 directed to the Clerk's office. Filings with
11 the Board, whether paper or electronic, must
12 also be served on the hearing officer and on
13 those persons named on this service list in
14 this proceeding. Before filing with the
15 Clerk, please check with the hearing officer
16 to ensure that you have the most recent
17 version of the service list.

18 The court reporter has indicated
19 that copies of the transcript of today's
20 hearing should be available at the Board by
21 Monday, May 21st of 2007, and very shortly
22 after that, the text of the transcript should
23 be available on the Board's website at
24 www.ipcb.state.il.us. If anyone has

1 questions about the procedural aspects of
2 this rulemaking, please contact me, Tim Fox,
3 the hearing officer at (312) 814-6085 or at
4 e-mail address foxt@ipcb.state.il.us.

5 As mentioned before, the second
6 hearing in this docket is now scheduled to
7 occur on Thursday, June 7th, at the Board's
8 office in Springfield. And I will note
9 quickly for the record that the Board has
10 received one public comment, written comment,
11 filed electronically by the Illinois
12 Environmental Protection Agency, which I
13 believe was received by the Board on Monday,
14 May 14th.

15 Seeing no members of the public
16 still present, there appear to be no other
17 matters procedurally or otherwise that need
18 to be addressed at this time. So I would
19 thank everyone for appearing today, and the
20 first hearing and Docket R07-17 is now
21 adjourned.

22 (Whereupon, there were no
23 further proceedings held
24 on this date.)

1 STATE OF ILLINOIS)
) SS
2 COUNTY OF COOK)

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5 JULIA A. BAUER, being first duly
6 sworn on oath says that she is a court reporter
7 doing business in the City of Chicago; that she
8 reported in shorthand the proceedings given at the
9 taking of said hearing and that the foregoing is a
10 true and correct transcript of her shorthand notes
11 so taken as aforesaid and contains all the
12 proceedings given at said hearing.

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15 *Julia Bauer*
JULIA A. BAUER, CSR
16 29 South LaSalle Street, Suite 850
Chicago, Illinois 60603
17 License No.: 084-004543

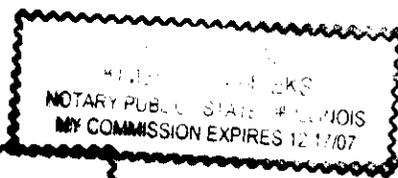
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19 SUBSCRIBED AND SWORN TO
20 before me this 17th day
of May, A.D., 2007.

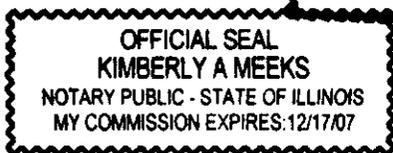
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Kimberly A MEEKS
Notary Public

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<p>about 6:8 7:1 above-entitled 1:12 accommodate 5:17 Accordingly 4:22 Act 3:8,8,9 address 5:7 6:2 7:4 addressed 7:18 adjourn 5:8 adjourned 7:21 adjournment 5:24 ADM 1:6 Administrative 3:10 admitted 4:8 adopting 3:14 aforsaid 8:11 after 4:23 5:8,15 5:24 6:22 afternoon 3:1 Agency 7:12 allow 5:2 6:1 allowed 5:15 amendments 1:4 3:6,16 Andrea 2:6 3:21 announcements 5:9 anyone 6:24 appear 5:3 6:1 7:16 appeared 3:17 appearing 7:19 appears 4:18 approximately 5:2,14 April 3:14 arrivals 5:3,17 6:1 aspects 7:1 available 6:20 6:23 A.D 1:19 8:20</p>	<p>back 5:6 Bauer 1:15 8:5 8:15 before 1:12,14 6:14 7:5 8:19 being 8:5 believe 7:13 blank 4:19 Board 1:1,14 2:2 2:6,6 3:3,11,13 3:20,21,22,23 4:10,11,15,20 6:6,11,20 7:9 7:13 Board's 1:4 3:6 4:5,12 6:7,23 7:7 brief 5:24 business 8:7</p> <hr/> <p style="text-align: center;">C</p> <p>C 2:1 called 1:13 cause 1:12 Center 1:17 2:3 check 6:15 Chicago 1:18 2:4 8:7,16 City 8:7 clear 4:12 Clerk 6:6,15 Clerk's 6:7,10 Code 1:6 3:10 come 5:6 commencing 1:18 comment 5:5 7:10,10 comments 5:7,19 6:5 complete 4:12 conclusion 5:5 contact 7:2 contains 8:11 Control 1:1,14 2:2 3:3,20 Cook 1:16 8:2 copies 6:19 correct 8:10 County 1:16 8:2 couple 6:2</p>	<p>court 6:18 8:6 CSR 1:15 8:15 C.O.O.L 6:8,9</p> <hr/> <p style="text-align: center;">D</p> <p>date 7:24 day 1:19 8:19 decision 4:13 develop 4:11 directed 6:10 discussion 5:11 docket 3:12 7:6 7:20 doing 8:7 duly 8:5</p> <hr/> <p style="text-align: center;">E</p> <p>E 2:1,1,6 3:24 either 4:10 5:3,7 electronic 6:9,11 electronically 7:11 ensure 6:16 entitled 3:5 Environmental 7:12 everyone 7:19 e-mail 7:4</p> <hr/> <p style="text-align: center;">F</p> <p>fact 4:20 file 6:4 filed 7:11 filing 6:9,14 Filings 6:6,10 first 3:16 4:1 7:20 8:5 five 4:23 foregoing 8:9 Fox 1:13 2:5 3:3 7:2 foxt@ipcb.stat... 7:4 from 3:19 further 7:23</p> <hr/> <p style="text-align: center;">G</p> <p>given 8:8,12 go 5:1 Good 3:1 governed 4:5</p>	<p>hand 5:19 hearing 1:12 2:5 3:1,3,4 4:2,3 5:1,8,13 6:12 6:15,20 7:3,6 7:20 8:9,12 held 1:11 7:23 her 8:10 holding 4:1 hour 1:18</p> <hr/> <p style="text-align: center;">I</p> <p>ILL 1:6 Illinois 1:1,13,16 1:18 2:2,4 3:2 3:9,17 7:11 8:1 8:16 indicate 4:18 indicated 5:21 6:18 information 4:6 initiated 3:13 intended 4:11 interest 4:18 issues 6:3</p> <hr/> <p style="text-align: center;">J</p> <p>J 1:13 2:5 James 2:3 Johnson 2:6 3:24 4:21 Julia 1:15 8:5,15 June 4:4 7:7 just 4:23</p> <hr/> <p style="text-align: center;">K</p> <p>kind 5:19</p> <hr/> <p style="text-align: center;">L</p> <p>labeled 5:20 Land 1:5 lapse 5:16 LaSalle 8:16 late 5:3,17 6:1 lead 3:22 left 3:20 License 8:17 like 5:22 list 6:13,17</p>	<p>made 6:6 make 5:18 making 5:9 MATTER 1:3 matters 7:17 may 1:1,19 3:18 4:9 5:3 6:4,6 6:21 7:14 8:20 member 2:6,6 3:21,22,23 5:23 members 4:10 4:19,20 7:15 mentioned 7:5 minutes 4:24 5:2 5:15,16 Monday 6:21 7:13 Moore 2:6 3:21 4:21 most 6:16 must 6:11 M-O-O-R-E 3:21</p> <hr/> <p style="text-align: center;">N</p> <p>N 2:1 name 3:3 named 6:13 need 7:17 Notary 1:15 8:21 note 4:9 7:8 notes 8:10 notice 1:14 noticed 3:16 number 3:12</p> <hr/> <p style="text-align: center;">O</p> <p>oath 8:6 occur 7:7 off 5:1,12 offer 5:4,18,22 office 6:7,10 7:8 officer 1:12 2:5 3:1,4 5:13 6:12 6:15 7:3 one 5:21 7:10 on-line 6:7 opinion 3:15 order 3:15</p>
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