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BEFORE THE POLLUTION CONTROL BOARD
OF THE STATE OF ILLINOIS

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)
)
ENHANCED VEHICLE INSPECTION) Docket No. R02-8
AND MAINTENANCE REGULATIONS)

The following is a transcript of
a Rule-Making Hearing held in the above-entitled
matter, taken stenographically by David J. Demski,
CSR #084-004386, before JOHN KNITTLE, Hearing Officer,
at 100 West Randolph Street, Suite 8-033, Chicago,
Illinois, on Friday, October 19, 2001, commencing
at 9:30 o'clock a.m.

1 APPEARANCES:

2 THOMAS E. JOHNSON
3 Board Member
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5 Urbana, Illinois 61803

6 ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
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1 MR. KNITTLE: Good morning. We are on
2 the record.

3 My name is John Knittle. I'm the
4 Hearing Officer in this matter entitled In The
5 Matter of Enhanced Vehicle Inspection and Maintenance
6 Regulations, Amendments to 35 Illinois Administrative
7 Code 240.191 to 240.193. The Board has docketed this
8 case as R02-8.

9 Today's date is October 19th. It's
10 approximately 9:30 a.m. We are in Room 833 of the
11 Thompson Center. This matter had been previously
12 noticed to a different location in the Thompson Center,
13 I just want to note for the record that we have signs
14 posted at the previous location and at the Illinois
15 Pollution Control Board reception desk, alerting any
16 potential members of the public that we are actually
17 down here in Room 833, if they wish to attend the
18 hearing.

19 This is the second of two hearings in
20 this matter, the first was held on October 12th in
21 Collinsville, Illinois. I want to note for the record,
22 we have the Presiding Board Member Thomas E. Johnson
23 here with us today. There are no other members of the
24 board or employees of the Pollution Control Board here.

1 Tom, do you have any opening statements
2 you want to make at this point in time?

3 MR. JOHNSON: Other than to once again welcome
4 you all on behalf of the Board, the participants,
5 witnesses, and especially the members of the public for
6 whom these hearings are extremely important.

7 I'd also like to again assure all of
8 you that we know the importance of this matter, will
9 handle it with all due dispatch, and always being
10 aware of the time constraints imposed on you by
11 the Statute. Thanks.

12 MR. KNITTLE: Thank you, Member Johnson.

13 A bit of background on this. As I'm
14 assuming everybody here knows, this is post-amendments
15 filed by the Agency on August 20th to the existing
16 On-Board Diagnostic Test Standards at 35 Illinois
17 Administrative Code 240.191, -192, and -193.

18 The Agency's proposal seeks to add
19 a provision that allows compliance with the OBD Test
20 Standards to be delayed until January 1st of 2003, if
21 the USEPA grants a delay upon a request from the
22 Agency. I also request that we modify a list of
23 diagnostic trouble codes, that if present during
24 an OBD test, will result in a failure and that

1 we add a malfunction indicator light check.

2 As always, members of the public are
3 welcome to testify today and ask questions of any
4 Agency witness or to provide testimony themselves.
5 I think we have two members of the public here today.
6 If either one of you wants to provide testimony or ask
7 a question of an Agency witness, just indicate by
8 raising your hand and we'll get you in. I don't
9 think it will be a hard thing to do today.

10 That's all I have. Mr. Demeroukas, do
11 you want to introduce yourself and the people you
12 brought with you?

13 MR. DEMEROUKAS: Thank you. My name is
14 Chris Demeroukas. I'm an attorney with the Illinois
15 Environmental Protection Agency working in the Vehicle
16 Emissions Inspection Program.

17 We have submitted compiled testimony in
18 this rule making entitled Summary of Testimony of
19 Elizabeth R. Tracy and Summary of Testimony of
20 Michael Hills. So at this hearing what I would
21 like to do is just have those two persons who have
22 previously filed testimony, and Mr. James Matheny,
23 Technical Services Manager of the Division of Vehicle
24 Inspection Maintenance, to introduce themselves and be

1 sworn in and then be available to answer any questions
2 that may be asked of them concerning this rule making.

3 So if I could, I'd like to introduce
4 Ms. Tracy.

5 MS. TRACY: Thank you. My name is Elizabeth
6 Tracy and I am the manager of the Vehicle Inspection
7 and Maintenance Program, Bureau of Air, at the
8 Illinois Environmental Protection Agency.

9 MR. HILLS: Michael Hills. I'm with the
10 Illinois EPA Vehicle Inspection and Maintenance
11 Technical Services.

12 MR. MATHENY: I'm James Matheny. I'm manager
13 of Technical Services of the Vehicle Inspection and
14 Maintenance program.

15 MR. DEMEROUKAS: I have no other opening
16 statements. So I'd like to have people ask questions,
17 if there are any.

18 MR. KNITTLE: Can we do a group swearing in
19 of those who are witnesses?

20 (Witnesses sworn by the Court Reporter.)

21 MR. JOHNSON: Ms. Tracy, in Collinsville, a week
22 ago, we had spoken about our concern and the technical
23 staff and the Pollution Control Board's concern about
24 the potential problems with notification to the public

1 with respect to the provision that allows compliance
2 to be delayed until January 1 of 2003, if USEPA grants
3 that delay upon a request from the Agency. You had
4 spoken at least in general terms at that point that it
5 appeared to you that that provision was not going to be
6 necessary because you were going to be able to comply
7 with this without asking for an extension. Is that
8 still the case?

9 MS. TRACY: That is the still the case. We
10 do not expect to request a one-year extension from
11 the USEPA.

12 MR. JOHNSON: Is that, then, something that
13 this particular provision, that we can remove
14 from -- you know, from the documents?

15 MS. TRACY: Yes, it is.

16 MR. JOHNSON: Okay. That's all I have for
17 anybody.

18 MR. KNITTLE: Any questions by any of the two
19 members of the public here for the Agency witnesses?

20 I'm not seeing any. Can we go off
21 the record for a second?

22 (Brief off-the-record discussion.)

23 MR. KNITTLE: We are back on the record. No
24 questions from any members of the public.

1 I note that another Agency employee has
2 just walked in.

3 MR. MATOESIAN: Charles Matoesian, Bureau of
4 Air from the Legal Division.

5 MR. KNITTLE: At this point, as we did last
6 week, I'm going to recess this until 10:30, just to
7 make sure we have no late-arriving members of the
8 public, as opposed to late-arriving members of the
9 Agency.

10 Let's just go off the record for now.

11 MR. JOHNSON: And we'll resume at 10:30?

12 MR. KNITTLE: At 10:30.

13 (Recess.)

14 MR. KNITTLE: We are back on the record.
15 It's approximately 10:30 a.m.

16 I want to note for the record that
17 no members of the public -- other than the two that
18 were previously here -- have appeared wishing to
19 provide testimony or ask questions of the Illinois
20 Environmental Protection Agency witnesses.

21 Also, I did have notice and service list
22 sign-up sheets out and we did have two people sign up
23 for the service list. They will be added and will,
24 henceforth, receive copies of just about everything.

1 So that's all I have. Mr. Demeroukas,
2 do you have any other comments?

3 MR. DEMEROUKAS: No, I don't. Thank you.

4 MR. KNITTLE: Okay. Pursuant to an
5 off-the-record discussion, the transcript apparently
6 will be ready on October 23rd. We are going to cut the
7 public comment period off on November 9th, and that was
8 the date that we used in the hearing officer order, so
9 that's consistent.

10 Public comments must be filed in
11 accordance with Section 102.108 of the Board's rules,
12 and that is all I have.

13 MR. JOHNSON: Nothing.

14 MR. KNITTLE: Thank you very much.

15 (The hearing was adjourned
16 at 10:30 o'clock a.m.)

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C E R T I F I C A T E

I, DAVID J. DEMSKI, CSR, do hereby
certify that the above-entitled proceedings, was
recorded stenographically by me and reduced to
computer-aided transcription by me.

I FURTHER CERTIFY that the foregoing
transcript of the said hearing is a true, correct, and
complete transcript of the testimony given by the said
witnesses and parties involved at the time and place
specified hereinbefore.

I FURTHER CERTIFY that I am not
a relative or employee or attorney or counsel of
any of the parties, nor a relative or employee of such
attorney or counsel, or financially interested in this
action.

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David J. Demski CSR #084-004386

