

1 BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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4 IN THE MATTER OF:

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6 MUNICIPAL SOLID WASTE

7 LANDFILL (MSWLF) RULES:

8 AMENDMENTS TO 35 ILL. ADM. CODE R98-009

9 811, 813 AND 848

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14 Proceedings held on March 25, 1998, at 10:30 a.m.,

15 at 600 South Second Street, Third Floor Conference

16 Room, Springfield, Illinois, before the Honorable

17 Marie Tipsord, Hearing Officer.

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21 Reported by: Darlene M. Niemeyer, CSR, RPR  
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1           A P P E A R A N C E S

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Board Member G. Tanner Girard, Ph.D.

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Hearing Officer Marie Tipsord

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Cynthia Ervin, Attorney to Chairman Claire A. Manning

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Hearing Officer Amy Jackson

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7    ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

BY: Judith Dyer, Esq.

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Assistant Counsel

2200 Churchill Road

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Springfield, Illinois 62794-9276

On behalf of the Illinois EPA.

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WEBBER & THIES, P.C.

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BY: Philip R. Van Ness, Esq.

202 Lincoln Square

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Urbana, Illinois 61803

On behalf of the National Solid Waste

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Management Association.

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15 Also present:

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Thomas A. Hilbert

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Joyce Munie

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Kenneth Liss

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1            P R O C E E D I N G S

2            (March 25, 1998; 10:30 a.m.)

3    HEARING OFFICER TIPSORD: Good morning. My name is  
4 Marie Tipsord and I am the Hearing Officer in this  
5 proceeding entitled, In the Matter of Municipal Solid  
6 Waste Landfill Rules: Amendments to 35 Illinois  
7 Administrative Code 811, 813 and 848, Board docket  
8 number R98-9. Also with me today to my immediate left  
9 is Board Member Dr. Tanner Girard. To my immediate  
10 right is Cynthia Ervin, Assistant to Chairman Manning,  
11 and to her right is Amy Jackson, Hearing Officer with  
12 the Board.

13    This proposal was filed with the Board on August  
14 11, 1997 by joint proponents, the Illinois  
15 Environmental Protection Agency and the National Solid  
16 Waste Management Association. The Board accepted the  
17 proposal on August 27th, 1997, and has held two  
18 hearings on the proposal. The first hearing was held  
19 on October 27, 1997, and the second on November 19,  
20 1997. On February 5, 1998, the Board proceeded to  
21 first notice with the rulemaking. The first notice  
22 was published on February 27, 1998 in the Illinois  
23 Register.

24    The primary purpose for today's hearing is to  
25 fulfill the requirements of Public Act 90-489 which

1 requires the Board to notify the Illinois Department  
2 of Commerce and Community Affairs of proposed rules.  
3 Public Act 90-489 directs the Board to request that  
4 the Department of Commerce and Community Affairs  
5 perform an Economic Impact Study of the proposed rules  
6 or inform the Board of its explanation for not  
7 proceeding with such studies as allowed under the  
8 Act.

9 The Board notified the Department of Commerce and  
10 Community Affairs on January 28, 1998 of this  
11 rulemaking, and the Board is relying on a letter of  
12 January 26, 1998 from the Department of Commerce and  
13 Community Affairs as DCCA's response regarding an  
14 Economic Impact Study.

15 We will also hear any testimony anyone wishes to  
16 offer regarding the first notice rulemaking proposal.  
17 At this time I will ask if anyone wishes to comment on  
18 DCCA's January 26, 1998 letter?

19 Okay. Seeing none, would you like to introduce  
20 yourselves for the record?

21 MR. VAN NESS: My name is Phillip Van Ness with  
22 Webber & Thies, P.C., of Urbana, Illinois. I am  
23 counsel for the National Solid Waste Management  
24 Association, one of the proponents in this  
25 proceeding.

1 MR. HILBERT: My name is Tom Hilbert. I work with  
2 Winnebago Reclamation Service. I am here representing  
3 the National Solid Waste Management Association.

4 MR. LISS: My name is Kenneth Liss, L-I-S-S. I am  
5 with the Illinois EPA.

6 MS. DYER: My name is Judy Dyer. I am here today  
7 as counsel for the Illinois EPA.

8 MS. MUNIE: Joyce Munie with the Illinois EPA.

9 HEARING OFFICER TIPSORD: Thank you. Does anyone  
10 wish to testify today?

11 MR. VAN NESS: No.

12 MR. LISS: No.

13 MS. DYER: No.

14 HEARING OFFICER TIPSORD: Seeing none at this  
15 time, we will go off the record and wait a few minutes  
16 and make sure no one else comes in and then we will  
17 close up.

18 (Whereupon a short recess was taken.)

19 HEARING OFFICER TIPSORD: All right. We will go  
20 back on the record.

21 Seeing that no one wishes to testify today, we  
22 will proceed with some administrative matters. The  
23 first notice period for this rulemaking will expire on  
24 April 13th, 1998. I will direct that all comments be  
25 filed by April 13, 1998, and we will close the record

1 as of that date.

2 I want to thank all of you for coming today. I

3 want to thank all of you for your support and

4 testimony at the previous hearings. It has been real

5 helpful to the Board in making its decision. We

6 hopefully will proceed as expeditiously as possible

7 with this rulemaking. Thank you again and the hearing

8 is adjourned.

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