

1 BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

2

3 IN THE MATTERS OF:

4 LIVESTOCK WASTE REGULATIONS, R97-015(B)

5 35 ILL. ADM. CODE 506

6 and

7 TIERED APPROACH TO R97-012(C)

8 CORRECTIVE ACTION OBJECTIVES:

9 AMENDMENTS TO 35 ILL. ADM.

10 CODE 742.505 and 742.900

11 and

12 REVIEW OF REMEDIATION COSTS R98-027

13 FOR ENVIRONMENTAL REMEDIATION

14 TAX CREDIT AMENDMENTS TO 35 ILL.

15 ADM. CODE 740

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17 Proceedings held on March 17, 1998 at

18 10:00 a.m., at the Illinois State Library, 300

19 South Second Street, Springfield, Illinois, before

20 the Honorable Cynthia I. Ervin, Hearing Officer.

21

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Claire A. Manning, Chairman

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Cynthia I. Ervin, Hearing Officer

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Amy Jackson, Hearing Officer

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1 PROCEEDINGS

2 (March 17, 1998; 10:00 a.m.)

3 HEARING OFFICER ERVIN: Good morning. My

4 name is Cynthia Ervin, and I am the hearing officer

5 designated for this consolidated proceeding

6 originally entitled, In the Matter of: Amendments

7 of 35 Illinois Administrative Code 742, Tiered

8 Approach to Corrective Action Objectives,

9 R97-12(C); In the Matter of: Amendments of 35

10 Illinois Administrative Code 506, Livestock Waste

11 Regulations, R97-15(B); and In the Matter of:

12 Amendments of 35 Illinois Administrative Code 740,

13 Review of Remediation Costs for Environmental

14 Remediation Tax Credit, R98-27.

15 Present today, on behalf of the Illinois

16 Pollution Control Board, is Chairman Claire

17 Manning.

18 CHAIRMAN MANNING: Good morning.

19 HEARING OFFICER ERVIN: And Hearing

20 Officer Amy Jackson.

21 MS. JACKSON: Good morning.

22 HEARING OFFICER ERVIN: As background for

23 this proceeding today, Public Act 90-489 which

24 became effective on January 1st, 1998, requires the

1 Board to request the Department of Commerce and
2 Community Affairs to conduct an economic impact
3 study on certain proposed rules prior to adoption
4 of those rules. DCCA has 30 to 45 days after such
5 request to produce a study of the economic impact
6 of the proposed rules.

7 The Board must make the economic impact
8 study, or DCCA's explanation for not conducting the
9 study, available to the public at least 20 days
10 before public hearing on the economic impact of the
11 proposed rules. The rulemakings designated for
12 this hearing have all been subject to the Public
13 Act 90-489. In accordance with this Public Act,
14 the Board has requested, by letters dated January
15 28 and January 30, 1998, that DCCA conduct an
16 economic impact study for these rulemakings.

17 In addition to requesting that DCCA
18 conduct an economic impact study, these request
19 letters referenced a letter dated January 26, 1998,
20 from DCCA. The DCCA letter notified the Board that
21 DCCA would not be conducting economic impact
22 studies on rules pending before the Board for the
23 remainder of FY '98 because DCCA lacked, among
24 other things, the technical resources and the

1 financial resources to conduct such studies.
2 Therefore, in the request letters the
3 Board asked that DCCA notify the Board within ten
4 days of receipt of this request if DCCA intended to
5 conduct an economic impact study on the proposed
6 rules. The Board further stated that if the Board
7 did not receive such notification, the Board would
8 rely on DCCA's January 26, 1998 letter as a
9 required explanation for not conducting the
10 economic impact study.

11 The ten days for DCCA to notify the Board
12 has expired, and the Board has not received any
13 notification from DCCA that it would be conducting
14 the economic impact study on these rules.
15 Accordingly, the Board will rely on the January 26,
16 1998 letter as DCCA's explanation for not producing
17 a study. As I said earlier, DCCA's letter as well
18 as the Board's letter are available on the side
19 table.

20 All hearings required by the
21 Environmental Protection Act, except for this
22 proceeding, have been completed for all of these
23 rulemakings. The Board, therefore, has
24 consolidated these rulemakings solely for the

1 purpose of holding a hearing for the public to
2 comment on DCCA's explanation for not conducting an
3 economic impact study in each rulemaking.

4 Comments, if any, will be taken for each
5 rulemaking sequentially. Like other Board
6 rulemakings, any person who testifies will be sworn
7 and subject to cross-examination. Moreover, this
8 hearing will be governed by the Board's procedural
9 rules for regulatory proceedings. All information
10 which is relevant and not repetitious or privileged
11 will be admitted.

12 Are there any questions regarding the
13 procedures that we will be following today? Seeing
14 none, I would then ask if Chairman Manning has any
15 other statements she would like to make.

16 CHAIRMAN MANNING: No. I just welcome
17 everyone to the hearing this morning. If you have
18 any comments, we would be happy to accept them.

19 HEARING OFFICER ERVIN: And happy St.
20 Patrick's Day.

21 Is there anyone who would like to testify
22 regarding DCCA's explanation for not conducting an
23 economic impact study for Amendments of 35 Illinois
24 Admin. Code 742, Tiered Approach to Corrective

1 Action Objectives, R97-12(C)?

2 Seeing none, we will move on to the next

3 rulemaking. Is there anyone who would like to

4 testify regarding DCCA's explanation for not

5 conducting an economic impact study for Amendments

6 of 35 Illinois Administrative Code 506, Livestock

7 Waste Regulations, R97-15(B)?

8 Seeing none, we will go to the next

9 rulemaking. Is there anyone who would like to

10 testify regarding DCCA's explanation for not

11 conducting an economic impact study for Amendments

12 of 35 Illinois Administrative Code 740, Review of

13 the Remediation Costs for Environmental Remediation

14 Tax Credit, R98-12?

15 Seeing none, I will give you one last

16 chance. Is there anyone who would like to testify

17 for any of these rulemakings regarding DCCA's

18 explanation for not conducting an economic impact

19 study?

20 Seeing none, I would ask, unless there is

21 an objection, that we go off the record but remain

22 convened in the event that somebody does show up

23 who would like to testify.

24 Seeing no objection, we will go off the

1 record but stay convened until 10:30.

2 (Whereupon a short recess was

3 taken.)

4 HEARING OFFICER ERVIN: We will go back

5 on the record.

6 I didn't see anybody new come in, so I

7 will just ask for the record again if there is

8 anybody who would like to testify in any of these

9 three rulemakings regarding DCCA's explanation for

10 not conducting an economic impact statement?

11 Seeing none, then I will just note that

12 the transcript, if anybody wants a copy of it, will

13 be ready in about a week. It will be on our web

14 page. You can contact Darlene if you want a copy

15 of it, or you can call the Board and we can copy it

16 for you.

17 One other matter, any questions regarding

18 the public comment periods or any other issues

19 arising from your rulemakings, you should contact

20 the Hearing Officer in each of the respective

21 rulemakings.

22 Seeing that there are no other matters to

23 address, then this matter is hereby adjourned.

24 Thank you for coming.

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

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4 C E R T I F I C A T E

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6 I, DARLENE M. NIEMEYER, a Notary Public
7 in and for the County of Montgomery, State of
8 Illinois, DO HEREBY CERTIFY that the foregoing 8
9 pages comprise a true, complete and correct
10 transcript of the proceedings held on the 17th of
11 March A.D., 1998, at the Illinois State Library,
12 300 South Second Street, Springfield, Illinois, in
13 proceedings held before the Honorable Cynthia I.
14 Ervin, Hearing Officer, and recorded in machine
15 shorthand by me.

16 IN WITNESS WHEREOF I have hereunto set my
17 hand and affixed my Notarial Seal this 18th day of
18 March A.D., 1998.

19

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21 Notary Public and
22 Certified Shorthand Reporter and
23 Registered Professional Reporter

24 CSR License No. 084-003677
My Commission Expires: 03-02-99