

ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:

AMENDMENTS TO 35 ILLINOIS

ADMINISTRATIVE CODE: Docket No. R18-45

SUBTITLE M: BIOLOGICAL MATERIALS

TRANSCRIPT OF PROCEEDINGS at the
hearing of the above-entitled cause, held at
100 West Randolph Street, Chicago, Illinois on
October 17, 2018, at the hour of 10:00 a.m.

MR. MARTIN E. KLEIN,

Hearing Officer

REPORTED BY: CHERYL L. SANDECKI, CSR, RPR

LICENSE NO.: 084-03710

JOB NO.: 23482

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APPEARANCES:

BOARD MEMBERS:

MS. CARRIE ZALEWSKI

MR. GABE NEIBERGALL

ALSO PRESENT:

MR. DANIEL PAULEY

MS. TANYA RABCZAK

MR. ANAND RAO

MS. CARA SIMAGA, Stericycle

1 HEARING OFFICER KLEIN: Good morning. My
2 name is Martin Enrique Klein. I am the hearing
3 officer for this rulemaking.

4 Welcome to the Illinois Pollution
5 Control Board. This rulemaking is entitled,
6 Amendments to 35 Illinois Administrative Code,
7 Subtitle M, Biological Materials, for Docket
8 Number R18-29.

9 Also with the board present here today
10 are Carrie Zalewski, board member and lead board
11 member in this docket, and I believe I saw Anand
12 Rao, who is the chief scientist with the
13 technical unit.

14 MS. ZALEWSKI: And Danny Pauley just walked
15 in as well.

16 HEARING OFFICER KLEIN: And Daniel Pauley,
17 who is a staff attorney with the Board.

18 First, I will announce that at the
19 front of the hearing room here in Chicago and in
20 Springfield we have placed sign-up sheets for
21 providing spoken public comments. Anyone
22 wishing to provide a public comment may sign up
23 and be given an opportunity to speak. Anyone
24 wishing to provide testimony will be sworn in

1 prior to being provided the opportunity.

2 Today's hearing is governed by the
3 Board of Procedural Rules. All information that
4 is relevant and that is not repetitious or
5 privileged will be admitted to the record. Any
6 questions posed today by the Board and staff are
7 intended solely to help develop a clear and
8 concise record.

9 A little background about this
10 rulemaking before we begin. The Board's
11 potentially infectious medical waste rule is
12 addressed definitions, prohibitions, permitting,
13 and the minimum standards for the treatment,
14 packaging, storage, transportation, and disposal
15 of potentially infectious medical waste.

16 The Board's proposed rules, amendments
17 in this rulemaking are meant to remove legalese
18 and redundant and superfluous language as well
19 as reorganize some provisions for clarity. The
20 amendments also make additions consistent with
21 amendments to the act and change citations and
22 statutory language to comply with the style
23 requirements of the Illinois Administrative
24 Code.

1 The Board adopted proposed amendments
2 for a public comment in this rulemaking on
3 May 10, 2018, without submitting it to first
4 notice publication. On the same day, the Board
5 requested an economic impact study from the
6 Department of Commerce and Economic Opportunity
7 by letter. As of this date, the Board has not
8 received a response from the DCEO.

9 The Board invited comments and
10 scheduled two hearings on the proposal by video
11 conference in Chicago and in Springfield. The
12 hearings are to address the merits and economic
13 impacts of the proposal.

14 The Board held its first hearing on
15 September 11, 2018. Today, the Board is hosting
16 its second hearing that, if necessary, will
17 continue tomorrow.

18 Notice of the hearings were published
19 on August 1, 2018, in The State Journal-Register
20 of Springfield and the Chicago Sun-Times.

21 On July 30th, a hearing officer ordered
22 directed participants who intended to testify at
23 today's hearing to pre-file that testimony by
24 October 3rd and that any questions of that

1 testimony be pre-filed by October 10th.

2 No pre-filed testimony or questions
3 were filed, nor has anyone notified the Board
4 prior to today of their intent to provide
5 testimony.

6 At this time, I will ask if anyone,
7 either in Springfield or Chicago, wishes to
8 provide public comments.

9 MS. ZALEWSKI: We have someone here who
10 signed in.

11 HEARING OFFICER KLEIN: Great. Do you wish
12 to provide comments or testimony?

13 MS. ZALEWSKI: Do you want to move so he can
14 see?

15 HEARING OFFICER KLEIN: No, I can see.

16 MS. SIMAGA: I'm not used to this.

17 I apologize, I'm not sure what the
18 difference would be. But we don't have -- I'm
19 with Stericycle. My name is Cara Simaga. We
20 attended -- I had coworkers that attended the
21 first hearing. And we just want to be here in
22 support of the rules and let you guys know that
23 we are following and watching. And we actually
24 would look forward to additional changes in the

1 future.

2 I know now is probably not the time
3 because you just opened it up, right, you are
4 looking at the definitions and reorganizing and
5 un-italicizing, and things like that, thus
6 making it easier to read, which is awesome.
7 Great first start.

8 But we would like to see and suggest in
9 the future, you know, other things and different
10 -- maybe a reorganization and, you know, some
11 updates and that type of thing. And, again, I
12 understand this is really not the place for
13 that, but we just, again, wanted to be here and
14 let you guys know that we support what you are
15 doing so far and that, you know, we look forward
16 to working with you guys and the Illinois EPA in
17 the future for potentially more changes.

18 So I don't know if you have questions.
19 Again, I'm not sure if it's supposed to be
20 testimony or comment, but, again, we just wanted
21 to be here and, again, you know, support you
22 guys.

23 MS. ZALEWSKI: We appreciate you coming out
24 and saying that you are in support. I think

1 that's the most important, to hear that you have
2 read the rules --

3 MS. SIMAGA: Absolutely.

4 MS. ZALEWSKI: -- and the changes and that we
5 didn't make any mistakes or that there's any
6 other inadvertent errors. So that's what we're
7 excited to hear. So thank you for that.

8 MS. SIMAGA: Yeah, yeah.

9 So, and I think we have a lot of
10 experience -- I don't know if you are familiar
11 with Stericycle. We are probably one of the --
12 we probably are the largest provider of medical
13 waste disposal services in the country. So it's
14 what we do.

15 It's what we started doing. We do a
16 lot more. We do hazardous waste and other types
17 of waste management as well. We have an
18 incinerator in Clinton, Illinois, for medical
19 waste which the agency has permitted and that
20 type of thing.

21 But -- and everything is going great,
22 but, you know, just over the years, things have
23 changed and there has been new circumstances
24 with, you know, let's say, Ebola, for example,

1 with that -- management of that waste. Your
2 rules don't have a lot in there to, kind of,
3 help with that at this time, and so we would
4 have suggestions, perhaps, with that in
5 reorganizing a little bit. Maybe to make it
6 easier for the generators, the hospitals and
7 healthcare facilities to, kind of, better
8 understand and better be able to follow the
9 rules.

10 We do this nationwide. I mean, I have
11 worked with a lot of states on this type of
12 thing, and so we have a lot of ideas and just --
13 we've been there and so we are glad to help.
14 And, you know, again, everything looks good so
15 far, but potentially we would suggest some more
16 movement in the future and would love to be a
17 part of that.

18 MS. ZALEWSKI: Thank you.

19 HEARING OFFICER KLEIN: Great.

20 All right. Is there anyone else who
21 has -- there is no one that's here in
22 Springfield that signed up for public comment.
23 Is there anyone else in Chicago?

24 All right. Hearing none, let's take a

1 ten-minute break and see if anyone else shows
2 up. We can reconvene. I've got 10:07. Let's
3 come back at 10:20 and see if anyone has shown
4 up. And after that, we can close things out.
5 All right?

6 MS. ZALEWSKI: I was just going to add that
7 Tanya Rabczak is in the room as well from staff.

8 HEARING OFFICER KLEIN: Great.

9 MS. ZALEWSKI: Thank you.

10 HEARING OFFICER KLEIN: All right. So let's
11 reconvene at 10:20.

12 MS. ZALEWSKI: Okay. Thanks.

13 HEARING OFFICER KLEIN: Thank you.

14 (Whereupon, a recess was had at
15 10:08 a.m., after which the
16 hearing was resumed at
17 10:20 a.m. as follows:)

18 HEARING OFFICER KLEIN: I have -- it's
19 10:20 a.m. We are back on the record.

20 I will ask once more: Is there anyone
21 in Springfield or Chicago that wishes to make a
22 public comment or provide testimony? No one --
23 for the record, no one has come into the
24 Springfield hearing room and/or signed up.

1 Is there anyone in Chicago?

2 MS. ZALEWSKI: No, no one here.

3 I had a quick question for Ms. Simaga.
4 Do you want to -- did you want to add that to
5 the record, just -- you can file the comments
6 and it can be posted if you want to or you could
7 do it at a later date?

8 MS. SIMAGA: We filed something already.

9 MS. ZALEWSKI: Okay.

10 MS. SIMAGA: And I think that at this time,
11 you know, to kind of go into the gory details
12 would be overkill at this time.

13 MS. ZALEWSKI: Okay.

14 MS. SIMAGA: So I think that what we have
15 provided would be enough for now and then, like
16 it was suggested, we will work with the Illinois
17 EPA in which then in turn we will be back
18 working with you guys at some point and we will
19 carry on from there.

20 MS. ZALEWSKI: Okay. Great, thanks.

21 HEARING OFFICER KLEIN: Okay. Yeah. And I
22 would just note that if she wanted to add any
23 more, we would ask her to swear in before doing
24 so.

1 Okay. So before we adjourn, as a
2 reminder, I will set the deadline for
3 post-hearing comments by hearing officer order
4 after this second hearing. That will be the
5 deadline for filing comments prior to Board
6 order.

7 Meanwhile, members of the public are
8 encouraged to submit comments. The transcript
9 of today's hearing will be available in
10 approximately a week. All comments received and
11 the transcripts of the hearings will be posted
12 on the Board's website at the Clerk's Office
13 online filing system, or COOL, and can be viewed
14 and printed by any member of the public.

15 Are there any other matters that need
16 to be addressed at this time?

17 Hearing none, I would like to thank
18 everyone for participating today, and the second
19 hearing is adjourned. Thank you.

20 (The proceedings concluded at
21 10:22 a.m.)

1 STATE OF ILLINOIS

2 COUNTY OF COOK

3 I, Cheryl L. Sandeck, and a Certified
4 Shorthand Reporter of the State of Illinois, do
5 hereby certify that I reported in shorthand the
6 proceedings had at the taking of said hearing
7 and that the foregoing is a true, complete, and
8 correct transcript of my shorthand notes so
9 taken as aforesaid, and contains all the
10 proceedings given at said hearing.

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CHERYL L. SANDECKI, CSR, RPR
C.S.R. License No. 084-03710

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