

ILLINOIS POLLUTION CONTROL BOARD
February 6, 2020

IN THE MATTER OF:)
)
PROPOSED NEW 35 ILL. ADM. CODE 250) R20-18
ETHYLENE OXIDE AMBIENT AIR) (Rulemaking - Air)
MONITORING)

NOTICE OF HEARING

DATES, TIMES, AND PLACES:

March 26, 2020

10:00 a.m.
Illinois Environmental Protection Agency
Sangamo Room
1021 North Grand Avenue East
Springfield, IL 62702

May 6, 2020

10:00 a.m.
J.R. Thompson Center
Room 9-040
100 W. Randolph Street,
Chicago, Illinois 60601

PURPOSE OF HEARINGS: Merit and Economic
ATTENDING BOARD MEMBERS: Brenda K. Carter
HEARING OFFICER: Marie E. Tipsord

HEARING OFFICER ORDER

On January 16, 2020, the Board directed its Clerk to provide first-notice publication of the proposal in the *Illinois Register* under the Illinois Administrative Procedure Act (APA) (5 ILCS 100/5-40(b) (2018)). The Board further directed the assigned hearing officer to proceed to hearing under the rulemaking provisions of the Act and the Board's procedural rules (415 ILCS 5/27, 28 (2018); 35 Ill. Adm. Code 102).

Today, dates are set for hearings in this proceeding. The first day of hearings, March 26, 2020, will be held in Springfield from 10:00 a.m. until 8 p.m. or until the business of the Board is

concluded. The second day of hearings, May 6, 2020, will be held in Chicago from 10:00 a.m. until 6 p.m. or until the business of the Board is concluded.

Procedures for the Springfield Hearing

The deadline to prefile testimony with the Board for the first hearing is February 27, 2020, by 4:30 p.m. (the time the Clerk's office stops accepting filings date stamped that day). Prefiled questions based on the prefiled testimony must be filed with the Board by 4:30 p.m. on March 12, 2020. If participants wish to prefile answers, those answers should be prefiled by March 19, 2020.

Procedurally, on the day of the hearing, the Board will hear all prefiled testimony before accepting public comment on the record. A sign-up sheet will be available in the hearing room until 3 p.m. the day of the hearing for persons to sign up to provide public comment. In addition, anyone wishing to provide oral public comment during the hearing may notify the hearing officer up until March 25th by email or phone. If all prefiled testimony is completed, and no one is present at that time who wishes to make a public comment, the Board will conclude the first hearing.

The hearing will begin with testimony from the Illinois Environmental Protection Agency (IEPA). After the IEPA, the order for testifying will be established by the hearing officer, after consultation with those who have prefiled testimony, on March 26, 2020.

Procedures for Chicago Hearing

The deadline to prefile testimony with the Board for the second hearing is April 8, 2020, by 4:30 p.m. (the time the Clerk's office stops accepting filings date stamped that day). Prefiled questions based on the prefiled testimony must be filed with the Board by 4:30 p.m. on April 22, 2020. If participants wish to prefile answers, those answers should be prefiled by April 29, 2020.

Procedurally, on the day of the hearing, the Board will hear all prefiled testimony before accepting public comment on the record. A sign-up sheet will be available in the hearing room throughout the day for persons to sign up to provide public comment. In addition, anyone wishing to provide oral public comment during the hearing may notify the hearing officer up until May 5th by email or phone. If all prefiled testimony is completed, and no one is present at that time who wishes to make a public comment, the Board will conclude the hearing.

The order of the hearing will be set by the hearing officer based on the prefiled testimony for the hearing.

Ambient Air Monitoring

New Section 9.16(n)¹ of the Environmental Protection Act (Act) (415 ILCS 5/9.16(n) amended in P.A. 101-22, eff. June 21, 2019) requires the IEPA to develop a system to ascertain

¹ Public Acts 101-22 and 101-23 (eff. June 21, 2019) both added new Section 9.16 to the Act.

ambient baseline levels of ethylene oxide (EtO) across Illinois. IEPA proposes this rule for the specific purpose of satisfying the statutory mandate to collect monitoring data for EtO to supplement the monitoring being conducted by the United States Environmental Protection Agency (USEPA). IEPA determined that a six-month monitoring period, with samples collected every 12 days for 5 sites throughout the State will meet the requirements of Section 9.16(n) (415 ILCS 5/9.16(n) amended in P.A. 101-22, eff. June 21, 2019). IEPA's proposal provides a mechanism to collect ambient air samples to determine the background levels of EtO.

Section 27(b) Requirements

These hearings will also fulfill the statutory obligations under Section 27(b) of the Environmental Protection Act (Act) (415 ILCS 5/27(b) (2016)). Section 27(b) of the Act requires the Board to request the Department of Commerce and Economic Opportunity to conduct an economic impact study on certain proposed rules prior to adoption of those rules. If DCEO chooses to conduct the economic impact study, DCEO has 30 to 45 days after such request to produce a study of the economic impact of the proposed rules. The Board must then make the economic impact study, or DCEO's explanation for not conducting the study, available to the public at least 20 days before a public hearing on the economic impact of the proposed rules. The Board sent DCEO the request on January 16, 2020.

Written Public Comment

Written public comment may be filed with the Board at any time until the conclusion of the comment period. That date will be announced by hearing officer order after the close of hearings. If you have any questions regarding written public comment you may contact the hearing officer or the Clerk of the Board.

Availability of Filings

All filings in this proceeding will be available on the Board's web page at www.ipcb.state.il.us and participants may file electronically on the Board's web page. The prefiled testimony and prefiled questions must be served on the persons on the service list.

IT IS SO ORDERED.



Marie E. Tipsord
Hearing Officer
Illinois Pollution Control Board
100 West Randolph, Suite 11-500
Chicago, Illinois 60601
(312) 814-4925
Marie.Tipsord@illinois.gov