

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF: )  
)  
PROPOSED NEW 35 ILL. ADM. ) No. R20-18  
CODE 249 ETHYLENE OXIDE ) (Rulemaking - Air)  
AMBIENT AIR MONITORING )

VIDEOCONFERENCE REPORT OF PROCEEDINGS held  
in the above-entitled cause before Hearing Officer  
Mark Kaminski, called by the Illinois Pollution  
Control Board, taken by Pamela L. Cosentino, Certified  
Shorthand Reporter for the State of Illinois, on the  
10th day of September, 2020, commencing at the hour of  
1:00 p.m.

Reported by: Pamela L. Cosentino, CSR  
License No.: 084-003601

1 A P P E A R A N C E S: (Via videoconference)

2 ILLINOIS POLLUTION CONTROL BOARD:

3 MARK KAMINSKI, Hearing Officer  
4 MARIE TIPSORD, General Counsel  
5 BARBARA FLYNN CURRIE, Chairwoman  
6 VANESSA HORTON, Attorney Advisor  
7 CYNTHIA SANTOS, Board Member  
8 JENNIFER VAN WIE, Board Member  
9 DON A. BROWN, Clerk

10 ILLINOIS ENVIRONMENTAL PROTECTION AGENCY:

11 ANTONETTE PALUMBO, Air Regulatory Unit  
12 DAVID BLOOMBERG, Air Quality Planning Unit  
13 RORY DAVIS, Regulatory Development Unit  
14 RANGANATH GURRAM, Regulatory Development Unit  
15 DANA VETTERHOFFER, Legal Counsel  
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1 MS. TIPSORD: Good afternoon. My name is  
2 Marie Tipsord. I'm General Counsel with the Illinois  
3 Pollution Control Board, and I'm going to call this  
4 hearing to order. I'm physically here in Springfield  
5 calling the hearing to order.

6 And with that, I will turn it over to the  
7 hearing officer, Mark Kaminski.

8 HEARING OFFICER KAMINSKI: Thank you, Marie.

9 Good afternoon and welcome to the Illinois  
10 Pollution Control Board hearing. My name is  
11 Mark Kaminski, and I'm the hearing officer for this  
12 Rulemaking proceeding entitled, "Rulemaking for  
13 Proposed New 35 Illinois Administrative Code 249  
14 Ethylene Oxide Ambient Air Monitoring." The Board  
15 Docket Number for this Rulemaking is R20-18.

16 Also present today for the Board are Board  
17 Member Santos.

18 And I'm not sure -- before I go any further,  
19 "Call-in User 4," might you identify yourself?

20 MS. SANTOS: That's me, Cynthia. I think I'm  
21 4. No, I'm 5. Sorry.

22 HEARING OFFICER KAMINSKI: I think you're 3.

23 There's 4. You're currently unmuted if you  
24 want to respond? Okay. Nothing else there.

1 Board staff present are the Chicago office,  
2 myself, Mark Kaminski, and Tim Fox. In the  
3 Springfield office, Marie Tipsord. On Webex we have  
4 Vanessa Horton, and I believe that's it for the  
5 moment.

6 Please, will the members of the Illinois  
7 Environmental Protection Agency identify themselves?

8 MS. PALUMBO: My name is Antonette Palumbo.  
9 I'm an attorney in the Air Regulatory Unit, and I  
10 represent the Agency in this matter.

11 We have three other individuals with the  
12 Agency on this, and I will allow them to introduce  
13 themselves now.

14 MR. BLOOMBERG: I am David Bloomberg. I'm  
15 the manager of the Air Quality Planning section.

16 I have two of my staff here who can go ahead  
17 and introduce themselves.

18 MR. DAVIS: I'm Rory Davis, the manager of  
19 the Regulatory Development Unit with the Bureau of  
20 Air.

21 MS. PALUMBO: Go ahead, David.

22 MR. BLOOMBERG: We also have Ranganath  
23 Gurram. He works in the Regulatory Development Unit.  
24 He is here as an observer as well.

1 MR. GURRAM: Thank you. Hello. This is  
2 Ranganath Gurram. I'm with the Bureau of Air in the  
3 Regulatory Development Unit.

4 MR. BROWN: Hi. This is Don Brown. Our  
5 chairman also just joined in, Barbara Flynn Curie.

6 HEARING OFFICER KAMINSKI: Thank you.

7 And with that, we will move forward with the  
8 hearing. This hearing is governed by the Board's  
9 procedural rules. All information that is relevant  
10 and that is not repetitious or privileged will be  
11 admitted into the record.

12 Please bear in mind that any questions that  
13 are posed by the Board and staff are solely to help  
14 develop a clear and complete record for the Board's  
15 decision and do not reflect any decision on the  
16 proposal testimony or other questions.

17 Due to COVID-19, in addition to the  
18 videoconferencing, we're also allowing Webex  
19 participation via computer and phone. As a reminder,  
20 the prefiled testimony is available as well as the  
21 transcripts are available on the clerk's office online  
22 or COOL through the Board's website. Simply search  
23 for Docket Number R 28-18 -- I'm sorry -- 20-18.

24 For the sake of our court reporter, please

1 speak clearly and avoid speaking at the same time as  
2 another person so that we can help produce a clear  
3 transcript.

4 For those participating by Webex, either on  
5 the phone or using the call-in feature for sound, if  
6 you want to speak during the hearing, please take your  
7 phone off speakerphone and talk into the phone  
8 normally, as this will produce a much clearer sound.

9 If you wish to speak, you will also have to  
10 unmute yourself. All individuals entering the Webex  
11 feed are muted on entry. For those on a commuter, you  
12 can click the microphone symbol to unmute yourself.  
13 For those participating in as call-in users, you must  
14 press star 6 on your keypad to unmute yourself.

15 I'd also like to note that there may be a  
16 slight delay in the Webex video, so be mindful of that  
17 when communicating with each other.

18 Also, as a result of using Webex, we are  
19 video-recording today's hearing to ensure our court  
20 reporter is able to get an accurate transcript. Once  
21 the Board receives the transcript, the recording will  
22 be destroyed.

23 Note that due to issues related to the  
24 COVID-19 pandemic, the first hearing and the second

1 hearing in this docket were originally cancelled. The  
2 first hearing was then held on June 25th of this year.

3 On February 27, 2020, the Board received  
4 prefiled testimony on behalf of the Agency by  
5 David Bloomberg, for other participants' prefiled  
6 testimony.

7 At the first hearing on June 25, 2020, the  
8 Agency's prefiled testimony was entered in the record  
9 as read pursuant to Section 104.424(f) of the Board's  
10 procedural rules.

11 The Board heard testimony from Agency witness  
12 David Bloomberg and was questioned by the Board, and  
13 Agency witness Rory Davis was made available for  
14 questions. The transcript of that hearing is  
15 available in the COOL system.

16 Notice for this second hearing was posted on  
17 July 28, 2020. The Board published notice of the  
18 second hearing in several newspapers: On July 30th of  
19 this year, the Belleview-News Democrat and the Chicago  
20 Sun-Times; on July 31st, the Rockford Registry Star,  
21 Springfield Journal Register, Peoria Journal Star,  
22 Centralia and Mount Vernon Morning Sentinels; on the  
23 1st of August, the LaSalle News Tribune and the  
24 Dispatch/Rock Island Argus. On the 2nd of August,

1 Champaign News Gazette; and on the 5th of August, the  
2 Galena Gazette.

3 On July 28, 2020, the Hearing Officer  
4 directed that any additional prefiled testimony was to  
5 have been filed with the Board by August 20th of this  
6 year. Any prefiled questions based upon that  
7 testimony was to have been filed by August 27th. No  
8 additional prefiled testimony or prefiled answers were  
9 received.

10 For the record, is there anyone present here  
11 today in person or via Webex who did not prefile  
12 testimony for the second hearing who wishes to offer  
13 testimony?

14 Hearing none, I'll move on to comments.

15 Is there anyone present here today in person  
16 or via Webex who wishes to offer public comment at  
17 this second hearing?

18 Remember, call-in users, you must press  
19 star 6 on your keypad to unmute yourself.

20 Hearing none, at this point we will go off  
21 the record and discuss next procedural steps.

22 (Whereupon, a discussion was had  
23 off the record.)

24 HEARING OFFICER KAMINSKI: Going back onto

1 the record.

2           There was a discussion had off record  
3 regarding due dates. The final comments shall be  
4 filed with the Board by October 1, 2020, by 4:30 in  
5 the afternoon. Filings with the Board, whether paper  
6 or electronic, must also be served on the Hearing  
7 Officer and on the persons on the service list.  
8 Before filing, please check on COOL or with the  
9 Board's clerk to ensure you have the most recent  
10 version of the service list.

11           Are there any matters that need to be  
12 addressed at this time?

13           Seeing none, I would like to thank everyone  
14 for participating today and getting together.

15           The second and final hearing in this issue is  
16 adjourned. Thank you.

17           We are off the record.

18                           (Whereupon, the above-entitled  
19                           cause was adjourned at 1:13 p.m.)

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1 STATE OF ILLINOIS )  
2 ) SS:  
3 COUNTY OF C O O K )

4 I, PAMELA L. COSENTINO, being first duly  
5 sworn on oath says that she is a court reporter doing  
6 business in the City of Chicago; that she reported in  
7 shorthand the proceedings given at the taking of said  
8 hearing and that the foregoing is a true and correct  
9 transcript of her shorthand notes so taken as  
10 aforesaid and contains all the proceedings given at  
11 said hearing.

12 IN TESTIMONY WHEREOF: I have hereunto set my  
13 verified digital signature this 14th day of September,  
14 2020.

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18 PAMELA L. COSENTINO, CSR  
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<p><b>A</b></p> <p>able 6:20 above-entitled 1:11 9:18 accurate 6:20 addition 5:17 additional 8:4,8 addressed 9:12 adjourned 9:16 9:19 ADM 1:5 Administrative 3:13 admitted 5:11 Advisor 2:4 aforesaid 10:10 afternoon 3:1,9 9:5 Agency 2:8 4:7,10 4:12 7:4,11,13 Agency's 7:8 ahead 4:16,21 Air 1:5,6 2:9,9 3:14 4:9,15,20 5:2 allow 4:12 allowing 5:18 Ambient 1:6 3:14 answers 8:8 Antonette 2:9 4:8 Argus 7:24 attorney 2:4 4:9 August 7:23,24 8:1,5,7 available 5:20,21 7:13,15 avoid 6:1</p> <hr/> <p><b>B</b></p> <p>back 8:24 Barbara 2:4 5:5 based 8:6 bear 5:12 behalf 7:4 believe 4:4</p>	<p>Bellevue-News 7:19 Bloomberg 2:9 4:14,14,22 7:5 7:12 Board 1:2,13 2:2 2:5,5 3:3,10,14 3:16,16 4:1 5:13 6:21 7:3,11,12 7:17 8:5 9:4,5 Board's 5:8,14,22 7:9 9:9 Brown 2:6 5:4,4 Bureau 4:19 5:2 business 10:6</p> <hr/> <p><b>C</b></p> <p>C 2:1 10:2 call 3:3 call-in 3:19 6:5,13 8:18 called 1:12 calling 3:5 cancelled 7:1 cause 1:11 9:19 Centralia 7:22 Certified 1:13 chairman 5:5 Chairwoman 2:4 Champaign 8:1 check 9:8 Chicago 4:1 7:19 10:6 City 10:6 clear 5:14 6:2 clearer 6:8 clearly 6:1 clerk 2:6 9:9 clerk's 5:21 click 6:12 Code 1:5 3:13 commencing 1:15 comment 8:16 comments 8:14 9:3</p>	<p>communicating 6:17 commuter 6:11 complete 5:14 computer 5:19 contains 10:10 Control 1:2,13 2:2 3:3,10 COOL 5:22 7:15 9:8 correct 10:8 Cosentino 1:13,23 10:4,17 Counsel 2:3,11 3:2 COUNTY 10:2 court 5:24 6:19 10:5 COVID-19 5:17 6:24 CSR 1:23 10:17 Curie 5:5 currently 3:23 CURRIE 2:4 Cynthia 2:5 3:20</p> <hr/> <p><b>D</b></p> <p>DANA 2:11 dates 9:3 David 2:9 4:14,21 7:5,12 Davis 2:10 4:18 4:18 7:13 day 1:15 10:13 decision 5:15,15 delay 6:16 Democrat 7:19 destroyed 6:22 develop 5:14 Development 2:10 2:10 4:19,23 5:3 digital 10:13 directed 8:4 discuss 8:21 discussion 8:22</p>	<p>9:2 Dispatch/Rock 7:24 docket 3:15 5:23 7:1 doing 10:5 Don 2:6 5:4 due 5:17 6:23 9:3 duly 10:4</p> <hr/> <p><b>E</b></p> <p>E 2:1,1 either 6:4 electronic 9:6 ensure 6:19 9:9 entered 7:8 entering 6:10 entitled 3:12 entry 6:11 Environmental 2:8 4:7 Ethylene 1:5 3:14</p> <hr/> <p><b>F</b></p> <p>feature 6:5 February 7:3 feed 6:11 filed 8:5,7 9:4 filing 9:8 Filings 9:5 final 9:3,15 first 6:24 7:2,7 10:4 Flynn 2:4 5:5 foregoing 10:8 forward 5:7 Fox 4:2 further 3:18</p> <hr/> <p><b>G</b></p> <p>Galena 8:2 Gazette 8:1,2 General 2:3 3:2 getting 9:14 given 10:7,10 go 3:18 4:16,21</p>	<p>8:20 going 3:3 8:24 Good 3:1,9 governed 5:8 Gurram 2:10 4:23 5:1,2</p> <hr/> <p><b>H</b></p> <p>heard 7:11 hearing 1:11 2:3 3:4,5,7,8,10,11 3:22 5:6,8,8 6:6 6:19,24 7:1,2,7 7:14,16,18 8:3 8:12,14,17,20,24 9:6,15 10:8,11 held 1:10 7:2 Hello 5:1 help 5:13 6:2 hereunto 10:12 Hi 5:4 Horton 2:4 4:4 hour 1:15</p> <hr/> <p><b>I</b></p> <p>identify 3:19 4:7 ILL 1:5 Illinois 1:2,12,14 2:2,8 3:2,9,13 4:6 10:1 individuals 4:11 6:10 information 5:9 introduce 4:12,17 Island 7:24 issue 9:15 issues 6:23</p> <hr/> <p><b>J</b></p> <p>JENNIFER 2:5 joined 5:5 Journal 7:21,21 July 7:17,18,20 8:3 June 7:2,7</p>
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