

ILLINOIS POLLUTION CONTROL BOARD  
November 30, 2021

IN THE MATTER OF: )  
)  
AMENDMENTS TO 35 ILL. ADM. CODE ) R18-28  
SUBTITLE I: ATOMIC RADIATION ) (Rulemaking – Atomic Radiation)

**NOTICE OF HEARING**

On December 19, 2019, the Board proposed amendments to Subtitle I for public comment. The first hearing in this rulemaking was held in Chicago on October 12, 2021. A second hearing was scheduled for November 17, 2021 but had to be cancelled due to the unavailability of the court reporting service. Today, we set a new date for the second hearing, to be held in Springfield with a videoconference link to the Board’s conference room in Chicago.

The Board’s procedural rules provide that “[a]ny Board hearing may be held by videoconference.” The rules list factors that hearing officers consider when determining whether to hold a hearing by videoconference. 35 Ill. Adm. Code 101.600(b).

Based on the nature of its proposal for public comment, the Board does not expect the required hearing to be lengthy, complex, or contentious. The Board expects that its videoconference facilities will accommodate attendance and participation at this hearing. Finally, a videoconference hearing would reduce the time and cost of travel for the Board, its court reporter, and such potential participants as the Illinois Environmental Protection Agency (IEPA) and regulated entities. Having considered these factors, the Board concludes to conduct the second required hearing by videoconference between its offices in Chicago and Springfield. 35 Ill. Adm. Code 101.600(b).

**DATES, TIMES, AND PLACES:**

**SECOND HEARING:** Thursday, January 6, 2022, beginning at 1:00 PM

BY VIDEOCONFERENCE BETWEEN

IPCB CHICAGO HEARING ROOM and IPCB SPRINGFIELD HEARING ROOM

Conference Room 11-512  
James R. Thompson Center  
100 W. Randolph Street

Conference Room 1244N, First Floor  
1021 N. Grand Ave. E.  
North Entrance

PURPOSE OF HEARING:

Merit and Economic

PRESIDING BOARD MEMBER:

Anastasia Palivos

HEARING OFFICER:

Daniel Pauley

In compliance with the Americans with Disabilities Act and other applicable federal and State laws, the hearing will be accessible to individuals with disabilities. Persons requiring auxiliary aids and services should contact Don Brown, Clerk of the Board, at 100 West Randolph St., Suite 11-500, Chicago, Illinois 60601, at telephone number (312) 814-3620, fax number (312) 814-3669, or TDD number (866) 323-1677, five days prior to the hearing.

## **HEARING OFFICER ORDER**

The Board will conduct a second hearing to allow IEPA and any other interested participants to testify and comment on the merits and economic impact of the proposed rule. See 415 ILCS 5/28(a) (2020); 35 Ill. Adm. Code 102.412(a).

### **Pre-Filed Testimony**

The Board's December 19, 2019, proposal for public comment welcomes comment on all aspects of the proposal.

Participants pre-filing testimony for either of the two hearings are directed to serve it on all persons on the Service List at the time of pre-filing. See 35 Ill. Adm. Code 102.424(c). Before filing any document with the Board's clerk, please obtain the current version of the Service List through the Clerk's Office On-Line (COOL) on the Board's website (pcb.illinois.gov) or by calling the Clerk's Office at (312) 814-3461. Documents may generally be served by e-mail if the recipient has consented to e-mail service and has not revoked the consent. 35 Ill. Adm. Code 101.1060. Participants in this rulemaking are encouraged to provide consent to e-mail service of documents. See 35 Ill. Adm. Code 101.1070(a).

All persons wishing to testify at either hearing will be sworn in and subject to questioning. 35 Ill. Adm. Code 102.424(f). A brief introduction or summary of the pre-filed testimony will be allowed if a witness wishes to provide one before responding to questions.

For this videoconference hearing, the Board's rules require that any document to be offered as a hearing exhibit must be received by the Clerk's Office at least 24 hours before the scheduled start of the hearing. 35 Ill. Adm. Code 102.424(h). If not filed at least 24 hours before the scheduled start of the videoconference hearing, the document will not be admitted as an exhibit at the hearing but may be filed as a public comment after the hearing. Id.

Unless the Board, hearing officer, clerk, or procedural rules provide otherwise, all documents in this proceeding must be filed electronically through the Clerk's Office On-Line. 35 Ill. Adm. Code 101.302(h), 101.1000(c), 101.Subpart J.

### **Second Hearing**

Participants who intend to testify at the second hearing are directed to pre-file all their testimony and related exhibits no later than Thursday, December 30, 2021. See 35 Ill. Adm. Code 102.424(a). The hearing officer intends to begin the second hearing with witnesses who pre-filed testimony for it. See 35 Ill. Adm. Code 102.428(c). After those witnesses have testified, participants who did not pre-file testimony may testify as time allows after the Board completes the pre-filed testimony and questions based on it.

In a letter dated September 17, 2021, the Board requested the Department of Commerce and Economic Opportunity (DCEO) conduct an economic impact study of the amended proposal

and respond to the request by November 1, 2021. In a letter dated October 22, 2021, DCEO declined to perform an economic impact study. At the second hearing, the Board will receive testimony on DCEO's decision not to conduct an economic impact study. See 415 ILCS 5/27(b) (2020).

### **Availability of Filings**

The Board has established and will maintain both a Notice List and Service List for this proceeding. The Notice List includes participants who wish to receive only the Board's opinions and orders and hearing officer orders. 35 Ill. Adm. Code 102.422(a). The Service List includes participants who expect to participate more actively and wish also to receive other filings such as pre-filed testimony. See 35 Ill. Adm. Code 102.422(b).

Note that any interested person may request electronic notice of filings by providing an email address through COOL under this docket number R18-28. This electronic notice includes notice of filing of documents that are not typically provided to persons on the Notice List. In addition, COOL provides links to documents filed with the Board, and those documents can be viewed, downloaded, and printed free of charge as soon as they are posted to the Board's web site. All filings in this proceeding will be available on the Board's website at [www.pcb.illinois.gov](http://www.pcb.illinois.gov) in docket [R18-28](#).

IT IS SO ORDERED.



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