

1 PRESENT:

2 HEARING TAKEN BEFORE:
3 ILLINOIS POLLUTION CONTROL BOARD
4 100 West Randolph Street
5 Suite 11-500
6 Chicago, Illinois 60601
7 (312) 814-6923
8 BY: MR. JOEL J. STERNSTEIN

9 ILLINOIS POLLUTION CONTROL BOARD MEMBERS PRESENT:

10 Mr. Nicholas J. Melas
11

12 ILLINOIS POLLUTION CONTROL BOARD TECHNICAL UNIT
13 MEMBERS PRESENT:

14 Mr. Anand Rao
15

16 ILLINOIS ENVIRONMENTAL PROTECTION AGENCY MEMBERS
17 PRESENT:

18 Ms. Kimberly A. Robinson
19 Mr. Theodore J. Dragovich
20 Mr. Daniel Merriman
21

22 NO MEMBERS OF THE PUBLIC WERE PRESENT
23
24

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1 HEARING OFFICER STERNSTEIN: Let's go on the
2 record.

3 Good afternoon. My name is Joel Sternstein.
4 I've been appointed by the board to serve as hearing
5 officer in this proceeding which is entitled In The
6 Matter Of: Amendments to Permitting for Used Oil
7 Management and Used Oil Transport, 35 Illinois
8 Administrative Code Sections 807 and 809.

9 Sitting to my right is Nicholas Melas, the
10 board member assigned to this matter, and to his
11 right is Anand Rao, who is with the board's
12 technical unit.

13 Also present are three agency representatives --
14 three representatives from the Illinois Environmental
15 Protection Agency -- excuse me -- Kim Robinson, Dan
16 Merriman, and Ted Dragovich.

17 This is a rulemaking subject to the board's
18 procedural rules, and therefore, all relevant,
19 nonrepetitious, and nonprivileged testimony will be
20 heard at this first hearing of this proceeding and
21 at the second hearing.

22 The second hearing in this proceeding will be
23 held next week on March 1st, 1999, at the board's
24 Springfield offices.

1 This matter was filed on November 2nd, 1998, by
2 the Illinois Environmental Protection Agency. On
3 December 17th, 1998, the board accepted this matter
4 for hearing.

5 At the back of the room by the court reporter
6 are copies of the current notice and service lists.
7 If you notice that your name does not appear on the
8 lists, there are also sign-up sheets for the notice
9 and service lists at the back of the room.

10 Please sign up if you wish to be included on
11 either list. Individuals on the notice list receive
12 only board and hearing officer orders while
13 individuals on the service list receive all prefiled
14 testimony and questions, motions, and appearances,
15 as well as board orders.

16 Anyone who intends to file comments should be
17 sure to pick those up.

18 If you have any questions about the lists,
19 please see me after the hearing.

20 In addition, at the back of the room, you will
21 also find copies of the board's first notice opinion
22 and order in this matter dated January 21st, 1999,
23 and copies of the hearing officer order in this
24 matter dated January 8th, 1999.

1 The purpose of the hearing today is twofold.
2 First, we will address the economic impact statement
3 of this rule. Economic impact statements are also
4 known as EcIS, E-c-I-S.

5 Pursuant to Public Act 90-489, the board is
6 required to request the Department of Commerce and
7 Community Affairs, also known as DCCA, to conduct an
8 EcIS on certain proposed rules prior to the adoption
9 of those rules.

10 If DCCA chooses to conduct the EcIS, DCCA has
11 30 to 45 days after such a request to produce a
12 study of the proposed rules. The board must then
13 make the EcIS or DCCA's explanation for not
14 conducting the study available to the public at
15 least 20 days before a public hearing on the
16 economic impact of the proposed rules.

17 In accordance with Public Act 90-489, on
18 December 22nd, 1998, the board requested that DCCA
19 conduct an EcIS for this matter, docket R99-18.

20 In the request, the board stated that if it did
21 not receive a reply from DCCA within ten days, it
22 would rely on a June 26th, 1998, letter from DCCA.
23 That June 26th, 1998, DCCA letter notified the board
24 that DCCA lacked the technical and financial

1 resources to respond to any rulemakings during
2 fiscal year 1999.

3 The board did not receive a reply from DCCA
4 within the ten-day period. Accordingly, the board
5 relies on the June 26th, 1998, DCCA letter as an
6 explanation for no EcIS being submitted for this
7 matter, R99-18.

8 Public Act 90-489 also requires the board to
9 have a hearing on either the EcIS or DCCA's decision
10 not to perform an EcIS. Thus, pursuant to the
11 hearing officer order in this matter dated
12 January, 8th, 1999, you will hear testimony from
13 anyone who wishes to comment on DCCA's decision not
14 to conduct an EcIS for R99-18.

15 Please note that there will not be time
16 reserved at the March 1st hearing for comments on
17 DCCA's decision not to conduct an EcIS.

18 Secondly, in today's hearing, we will hear the
19 testimony of the Illinois Environmental Protection
20 Agency.

21 The board received prefiled testimony from the
22 agency. Copies of the prefiled testimony are at the
23 back of the room by the notice and service lists.

24 If no one objects, we will allow Mr. Dragovich

1 to summarize the prefiled testimony, and then we
2 will admit the prefiled testimony as an exhibit
3 rather than have Mr. Dragovich read the entire
4 prefiled testimony into the record.

5 After we finish with the prefiled testimony, we
6 will proceed with anyone who may wish to comment
7 today on this matter. And after we finish with the
8 prefiled testimony, we will proceed with anyone else
9 who might wish to present testimony today as well.

10 A few items on decorum: Anyone who testifies
11 will be sworn in by the court reporter. Anyone may
12 ask a question of anyone who testifies. However, I
13 ask that you raise your hand, wait for me to
14 acknowledge you, and after I have acknowledged you,
15 please state your name and who you represent before
16 you begin asking questions. Please speak one at a
17 time. If you are speaking over each other, the
18 court reporter will not be able to get your
19 questions on the record.

20 When answering questions, please be sure to say
21 yes or no instead of nodding or shaking your head.
22 Please note that any questions asked by a board
23 member or board staff are intended to help build a
24 complete record for the board's decision and do not

1 express any preconceived notion or bias.

2 Is there anyone here who anticipates that they
3 would like to testify at the close of the hearing
4 today? And this is not counting the agency
5 members.

6 Not seeing anyone right now, I'll assume that
7 means no, but we will recess towards the end of the
8 agency's presentation to wait a few further minutes
9 on members of the public to show up.

10 Mr. Melas, is there anything else you would
11 like to add today?

12 MR. MELAS: You've covered it all.

13 HEARING OFFICER STERNSTEIN: Thank you,
14 Mr. Melas.

15 We will proceed then with the EcIS testimony.

16 Is there anyone here who wishes to comment on
17 DCCA's decision not to perform an EcIS in this
18 matter?

19 Okay. Seeing nobody, we will turn our
20 attention to the agency's prefiled testimony.

21 Mr. Dragovich, I believe you've indicated that
22 you'll be testifying today and so will Mr. Merriman.

23 MR. DRAGOVICH: Yes.

24 HEARING OFFICER STERNSTEIN: Okay. Why don't

1 we have the court reporter swear in Mr. Merriman and
2 Mr. Dragovich?

3 (The witnesses were duly sworn.)

4 HEARING OFFICER STERNSTEIN: Mr. Dragovich, go
5 right ahead.

6 MR. DRAGOVICH: Okay. There was -- I just want
7 to point out there was an errata sheet that changed
8 from collection facility -- we used the term
9 collection facility in there. It's actually
10 collection center to be consistent with Section 739,
11 which is the same definitions.

12 Also, there were two typographical errors in my
13 prefiled testimony. One was on page 3, about line 2,
14 the word sued. It said sued oil. It should have
15 been used oil. And page 4, about three lines up
16 from the bottom, the word umber was in there. That
17 should have been number.

18 I'll go ahead and proceed with my summary.

19 My name is Theodore Dragovich, and I'm a
20 manager in the permit section of the Illinois
21 Environmental Protection Agency. My testimony
22 discusses Sections 807.105(a), 809.211(l), and
23 809.302(b). It includes a brief history of how the
24 Illinois EPA came to make this proposal and a brief

1 history of the Illinois EPA's used oil permitting
2 activities and justification for these changes.
3 During the hearings for R98-29, the board
4 requested that the Illinois EPA suggest to the board
5 a way to resolve the conflicting regulatory
6 requirements that arose when Part 739 was adopted.
7 The Illinois EPA suggested that the best course
8 of action would be to make amendments to Parts 807
9 and 809 that would require those facilities that
10 handled large quantities of used oil to secure
11 permits but would exempt do-it-yourselfers, small
12 quantity generators, used oil aggregation points,
13 and used oil collection centers from the permitting
14 requirements.
15 In the past, the Illinois EPA has routinely
16 issued permits pursuant to 807 to waste oil
17 treatment and storage operations.
18 The Illinois EPA's authority to issue permits
19 was questioned citing 807.105(a) and the fact that
20 the used oil is now subject to the used oil
21 standards in Part 739.
22 The Illinois EPA concluded that used oil
23 management facilities operating pursuant to the
24 requirements of Part 739 were permitted by rule

1 rather than a permit granted by the Illinois EPA.

2 Modification to Section 807.125(a) requires
3 used oil transfer facilities, used oil processors,
4 used oil fuel marketers, used oil burners, and used
5 oil petroleum refining facilities to obtain an 807
6 permit.

7 Many used oil management facilities that accept
8 large volumes of used oil have historically had
9 environmental problems. All of the facilities
10 described in our proposal are defined in Part 739,
11 used oil.

12 The proposed change is designed to increase
13 environmental protection and encourage recycling at
14 the same time.

15 The Illinois EPA believes that requiring
16 permits for used oil collection centers and
17 aggregation points would severely reduce the number
18 of these facilities who only take small quantities
19 of used oil. A reduction in the number of these
20 facilities would also result in more
21 do-it-yourselfers and small quantity generators
22 disposing of their used oil with their garbage
23 instead of recycling the used oil.

24 The modification to Section 809-211(l) exempts

1 a person transporting used oil to a used oil
2 aggregation point or collection center from the
3 waste -- special waste hauling permit and manifest
4 requirements. It would be inconsistent to require a
5 special waste hauling permit or manifest for used
6 oil received at these permit-exempt facilities.
7 Therefore, eliminating the manifesting and hauling
8 permit requirements for a person transporting used
9 oil to a used oil aggregation point or collection
10 center from the special waste hauling permit and
11 manifest requirements would reduce the confusion and
12 paperwork associated with the small quantities of
13 used oil and encourage the recycling of the used
14 oil.

15 Transporters that haul used oil in accordance
16 with the exemption in 809.211(a) can easily be
17 identified because their shipments would be in
18 quantities of 55 gallons or less and destined for a
19 collection center or aggregation point.

20 Section 809.302(b) prohibits any person from
21 delivering special waste to a facility that does not
22 have an operating permit issued by the Illinois
23 EPA. This section has been amended to allow the
24 delivery of used oil to an aggregation point or

1 collection center as defined in Part 739, permitted
2 by rule and specifically exempted in Section
3 807.105(a).

4 This regulatory change is consistent with
5 changes in Section 809-211(l) which exempts a person
6 transporting used oil to a used oil aggregation
7 point or collection center from the special waste
8 hauling permit and manifest requirements and Section
9 807.105(a) which exempts facilities that operate
10 only as used oil collection centers and/or
11 aggregation points from the requirement to obtain a
12 permit.

13 These changes will encourage collection centers
14 such as service centers and other retail facilities
15 to collect oil as a community service making it
16 easier for the small quantity generators to recycle
17 their used oil.

18 The Illinois EPA believes that the benefits of
19 collecting this used oil outweigh the potential
20 environmental problems due to Part 807, permit-exempt
21 used oil collection activities. That is why today
22 we are suggesting that the requirement to obtain the
23 Part 807 permit and the manifesting and waste
24 hauling requirements in Part 809 be limited to used

1 oil transfer facilities, used oil processors, used
2 oil fuel marketers, used oil burners, and used oil
3 petroleum refinery facilities.

4 Thank you, and I'll be available for questions.

5 HEARING OFFICER STERNSTEIN: Okay. We will
6 allow Mr. Dragovich to tender the testimony and
7 proceed with any questions for him.

8 I'll ask the agency now, do you wish to have
9 the testimony of Mr. Dragovich admitted as an
10 exhibit?

11 MS. ROBINSON: Yes, we do.

12 I might also add that attached with his
13 testimony, as we double-sided these, would also be
14 errata sheet number 1, my motion for acceptance, and
15 I believe that's it.

16 Is that okay that those are attached?

17 HEARING OFFICER STERNSTEIN: That's fine.

18 MS. ROBINSON: Okay.

19 HEARING OFFICER STERNSTEIN: So we will mark
20 the agency's submission, which is the motion for
21 acceptance, errata sheet number 1, and the testimony
22 of Theodore Dragovich as Exhibit Number 1.

23 The witness is now available for questions. I
24 would only ask that if anybody has a question for

1 the witness, please wait to be acknowledge and then
2 state your name and affiliation for the court
3 reporter.

4 I guess we'll start with you, Mr. Melas.

5 MR. MELAS: I have no questions.

6 HEARING OFFICER STERNSTEIN: You have no
7 questions. Okay.

8 Then we will proceed with Mr. Rao.

9 MR. RAO: Okay. I have a few questions for
10 Mr. Dragovich.

11 On page 4 of your testimony, you list the
12 different types of facilities that would be covered
13 by the proposed regulations. I think you list used
14 oil transfer facilities, used oil processors, used
15 oil fuel marketers, used oil burners, and used oil
16 petroleum refining facilities.

17 Do these represent the universe that's covered
18 by these rules, or do you think there are other
19 types of facilities that would be covered by the
20 proposed amendment?

21 MR. DRAGOVICH: I'm not sure I understand your
22 question. Covered by --

23 MR. RAO: Basically I'm saying, you know, does
24 this represent the universe of facilities that would

1 be affected by the proposed rule?

2 MR. DRAGOVICH: Well, also the collection
3 centers and the aggregation points. I mean, those
4 are all -- that is the entire universe of used oil
5 facilities.

6 MR. RAO: Yes, but those would be -- they are
7 exempted from the permit requirements, aren't they,
8 the collection centers?

9 MR. DRAGOVICH: Right, right. Those will be
10 the only ones that would be covered by the permit.

11 MR. RAO: Does the agency have information that
12 deals with how many of these facilities are located
13 in the state?

14 MR. DRAGOVICH: We did try to gather that
15 information. The information we have isn't complete.

16 We first checked with the state who filed with
17 the Illinois EPA, and there was only five people
18 that had filed with us. So we checked with USEPA,
19 and their records indicate there are 94 used oil
20 fuel marketers that market directly to a burner.
21 They have 42 off-spec burners, and they have 68
22 specification -- on-specification used oil
23 handlers.

24 Let me double-check that. That would be

1 off-specification used oil handlers.

2 But that's the only records they have so far of
3 it either, and that doesn't quite break them up the
4 same way as the definitions in 739 do.

5 MR. RAO: How about, you know, information
6 about petroleum refining facilities, do you have a
7 number?

8 MR. DRAGOVICH: We have approximately eight
9 facilities in Illinois that process or recycle used
10 oil in some manner, either by re-refining or by
11 heating and blending and filtering, not necessarily
12 a distillation process, but they go through a
13 process to refine it.

14 MS. ROBINSON: May I ask a point of clarification
15 for the record?

16 You stated, Mr. Dragovich, that the information
17 was incomplete, but those who had filed. Could you
18 clarify filed what?

19 MR. DRAGOVICH: USEPA performed 8712-12. It's
20 the notification of regulated waste activity form
21 that's required by the USEPA, and it's -- one of the
22 regulatory requirements in Part 739 is that they
23 file this notification form.

24 MS. ROBINSON: Thank you.

1 MR. RAO: It appears that there are approximately
2 around 200 facilities that may be affected by these
3 rules. Do you have any information if any of these
4 facilities are already operating with a permit that
5 was issued by the agency for waste oil that you were
6 issuing before you decided you didn't have the
7 authority to issue permits for used oil handlers?

8 MR. DRAGOVICH: I couldn't compare who they --
9 who USEPA received the information on compared to
10 our list, but there's probably less than 20
11 facilities. We previously permitted these oil
12 facilities in Illinois. There's probably less than
13 20 facilities that receive permits for those type of
14 activities, and I believe that that number wouldn't
15 change much with this.

16 MR. RAO: I was trying to get some information
17 into the record as to how this rule is going to
18 impact the regulated community, so would it be
19 possible for you to tell us a little bit about what
20 it takes for these kinds of facilities to obtain a
21 permit from the agency in terms of costs and, you
22 know, just the burden of getting a permit?

23 MR. DRAGOVICH: Yes. There's no filing fee
24 associated with the permit itself. If a new

1 facility wants to get a permit, it will be the cost
2 of preparing the application. Whether they would
3 hire a consultant or whether they do the work
4 themselves, that would be the cost associated with
5 it.

6 MR. RAO: And the permit requirements, are
7 those set out in 35 Illinois Administrative Code
8 807, general solid waste permit requirements?

9 MR. DRAGOVICH: Yes.

10 MR. RAO: Okay. That's all I have for now.

11 HEARING OFFICER STERNSTEIN: Okay. So no
12 further questions for Mr. Rao or from Mr. Melas.

13 I have a couple of questions, pretty brief.

14 I was just wondering -- and this goes to either
15 Mr. Dragovich or Mr. Merriman -- if you could just
16 briefly explain the difference between waste oil and
17 used oil as defined in the regs.

18 MR. DRAGOVICH: Waste oil isn't defined in our
19 regulations, only used oil. The term was used
20 generally to describe those type of activities
21 before Part 739 came in. 739 has a specific
22 definition of used oil.

23 MR. MERRIMAN: There is a regulatory -- not a
24 regulatory, but there is a definition of waste oil

1 that can be found in, I believe, the Waste Oil
2 Reclamation Act, but that's not the Environmental
3 Protection Act, and that's not the one that was
4 being used by the agency. Primarily, it was oil or
5 oil-based substances that happen to also be waste.
6 It was not any more refined or specific a term than
7 that.

8 HEARING OFFICER STERNSTEIN: Is that under a
9 federal act, or is that a state act?

10 MR. MERRIMAN: It's a state act, and I'm not
11 that familiar with it because we don't regulate
12 anyone under that. I think it might be mines and
13 minerals, but I'm not sure.

14 MR. MELAS: Give me an example. You said
15 oil-based. Would it be like an oil-based paint, for
16 example? Would that be a correct example?

17 MR. DRAGOVICH: Of waste oil?

18 MR. MELAS: Yes.

19 MR. DRAGOVICH: Generally, it would be oil --
20 used oil, oil from spill cleanups, or oil that was
21 contaminated either through rainwater in a barrel or
22 a tank or something like that.

23 MR. MELAS: Right. Okay. Or if it was spilled
24 on a highway and they put a lot of sand and gravel

1 down there and then picked it up.

2 MR. DRAGOVICH: Uh-huh.

3 MR. MELAS: Okay.

4 HEARING OFFICER STERNSTEIN: But it's --

5 primarily, the way that you use it, it's a term of

6 art as opposed to something that's defined in the

7 Environmental Protection Act or in the board or

8 agency regs, right?

9 MR. DRAGOVICH: That's correct.

10 HEARING OFFICER STERNSTEIN: Okay. There was

11 some discussion in your prefiled testimony about a

12 permit by rule, and I'm just wondering if you could

13 kind of explain that a little bit better for the

14 record.

15 My understanding of that was that currently,

16 the waste oil management facilities -- or the used

17 oil management facilities and used oil transporters

18 are currently permitted by rule under the current

19 regulatory scheme and that once -- or if and when

20 R99-18 is passed that the small quantity producers

21 and transporters will still be permitted by rule,

22 and I'm just wondering if you could kind of explain

23 that a little bit and also tell me if I understand

24 it correctly.

1 MR. DRAGOVICH: Permitted by rule means that if
2 they follow standards set out in the regulation,
3 they're operating as if they had a permit issued by
4 the agency.

5 Do I need to go on?

6 HEARING OFFICER STERNSTEIN: Was I correct in
7 assuming that if and when R99-18 is promulgated that
8 the small generators and small quantity management
9 facilities will still be permitted by rule?

10 MR. DRAGOVICH: Yes, that's correct.

11 HEARING OFFICER STERNSTEIN: Okay.

12 Also, I was wondering if you could give a brief
13 explanation of on-specification. The term was used
14 in your prefiled testimony, and I was just -- for
15 the purposes here, what's the difference between
16 on-specification oil and I believe -- is it off or
17 non-on-specification oil?

18 MR. DRAGOVICH: Yes. The specification for
19 used oil is defined in Part 739, and it identifies
20 the maximum limits for specific metal parameters and
21 halogens. It doesn't -- those limits were originally
22 set based upon the same levels that you would find
23 in a virgin --

24 MR. MELAS: The virgin.

1 MR. DRAGOVICH: Virgin oil, and it doesn't
2 really go to the quality of the oil because there's
3 nothing in there about bottom sediment or water or
4 any type of impurities in there. So it really has
5 to do with the content of hazardous constituents.

6 On-specification meets that specification in
7 Part 739.

8 HEARING OFFICER STERNSTEIN: Okay. Then
9 off-specification would be?

10 MR. DRAGOVICH: Something that has higher
11 metals and halogen content than allowed by that.

12 HEARING OFFICER STERNSTEIN: Okay. And as I
13 understand it right now, on-specification oil is not
14 subject to regulation under Part 739; is that
15 right?

16 MR. DRAGOVICH: That is correct. There are
17 some notification -- they have to keep records of
18 declaring on-spec, and there might be some
19 notification requirements, but once it's declared
20 on-spec, it's out of the regulatory scheme.

21 HEARING OFFICER STERNSTEIN: Okay. But then
22 now pursuant to the proposal in R99-18, certain
23 types of on-spec oil, depending on who manages it
24 and who transports it, may be regulated or may be --

1 MR. DRAGOVICH: Yes. We were trying to capture
2 the portion of on-specification used oil that may
3 not be marketable as a used oil, and so we brought
4 that into the scheme.

5 HEARING OFFICER STERNSTEIN: Okay.

6 MR. RAO: Is it in any way possible to make the
7 distinction in the rules whether it's marketable or
8 not like supposing there's a facility that's
9 legitimately using on-spec oil, you know, in
10 whatever process that they're using it? They'll
11 also be covered by these permitting requirements,
12 isn't it, in the regs proposed now? Is there -- I
13 was just wondering if there is any way you could --

14 MR. DRAGOVICH: There's a couple things.

15 First of all, this proposal doesn't include --
16 I think the term in the regulations is re-refined
17 used oil.

18 MR. RAO: Yes.

19 MR. DRAGOVICH: So anything that's been
20 re-refined to the point where it's as good as virgin
21 oil would automatically fall out of the system, and
22 anything that goes on-specification to a burner
23 would fall out of the system because the burners
24 don't meet the definition of a burner that's in this

1 proposal. In other words, the only burners that are
2 covered are off-specification burners.

3 So between those two terms, I think we weed out
4 a lot of the good oil that's going to the burner.

5 MR. RAO: When you say on-specification burners
6 are exempted from this rule, are you saying that
7 they're exempted from Part 739 or from this rule?

8 MR. DRAGOVICH: Well, we used the definition
9 from 739, and we said that the -- that this only
10 covers a used oil burner, and the definition in 739
11 is a used oil burner means a facility where used oil
12 not meeting the specification requirements in
13 739.111 is burned for energy recovery.

14 MS. ROBINSON: Could you give a citation for
15 where you found that in 739?

16 MR. DRAGOVICH: That is in the definition
17 section, 739.100.

18 MR. RAO: Thank you.

19 HEARING OFFICER STERNSTEIN: Are there any
20 other questions from the board?

21 MR. RAO: Not at this time.

22 HEARING OFFICER STERNSTEIN: Anything else that
23 the agency would like to add at this time?

24 MS. ROBINSON: We have nothing further at this

1 time.

2 MR. RAO: There's only one little question.

3 HEARING OFFICER STERNSTEIN: Go ahead.

4 MR. RAO: I just wanted to know if there's been

5 any kind of an outreach done to get all these -- you

6 know, what we said about going to the facilities

7 that may potentially be affected by these rules,

8 have there been any efforts that have been done to

9 notify them of this proposal?

10 MR. DRAGOVICH: No.

11 MR. MERRIMAN: Not -- not organized.

12 MR. RAO: Okay.

13 MR. MERRIMAN: There have been facilities that

14 we've been in contact with who have questioned the

15 permit section about the status of the permit issue,

16 and we have, in fact, advised some of them who we

17 have had contact with that things -- we were

18 proposing some changes. There's still facilities

19 out there who are operating probably under their old

20 permits who find this whole issue irrelevant.

21 MR. RAO: Okay. Thanks.

22 HEARING OFFICER STERNSTEIN: Okay. If there's

23 nothing further from the board or the agency at this

24 time, I'm going to request if there are no

1 objections that we recess for approximately 15
2 minutes but stay convened just in case someone else
3 from the public arrives late who has questions to
4 ask.

5 Are there any objections to a recess?

6 MS. ROBINSON: No objections.

7 HEARING OFFICER: Okay. It is now approximately
8 2:00 o'clock, and we will stand in recess until
9 2:15 p.m.

10 (Whereupon, a recess was taken.)

11 HEARING OFFICER STERNSTEIN: Does anyone
12 present have any further comments on this rulemaking,
13 R99-18, or any comments on the decision by DCCA to
14 not conduct an economic impact study?

15 MS. ROBINSON: The agency has nothing further
16 at this time.

17 HEARING OFFICER STERNSTEIN: All right. The
18 second hearing in this matter will be held next week
19 on Monday, March 1st, 1999, at 10:30 a.m. at the
20 board's Springfield offices, 600 South Second
21 Street, Suite 402.

22 Prefiled testimony for that hearing must be
23 filed with the board by 4:30 p.m. today. Requests
24 for additional hearings will be accepted pursuant to

1 the board's procedure rules at 35 Illinois

2 Administrative Code 102.161.

3 The transcript for this hearing should be
4 available by March 11th, 1999. If anyone would like
5 a copy, they can speak to the court reporter
6 directly, or you can get a copy by contacting the
7 clerk's office in Chicago with the board, or you can
8 call me.

9 We'll set a date for a public comment deadline
10 at the second hearing. Just in case new issues are
11 brought out at the second hearing, we may have to
12 extend the deadline past the current proposal,
13 which, I think, is April 2nd.

14 If there's no one else who would like to
15 present testimony today, then we will conclude
16 today's hearing. Thank you all very much for your
17 time and attention.

18 This hearing is closed.

19 (Which were all the proceedings had
20 at the hearing of the above-entitled
21 cause on February 25th, 1999.)

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1 STATE OF ILLINOIS)
) SS.
2 COUNTY OF COOK)

3

4 I, CARYL L. HARDY, a Certified Shorthand
5 Reporter doing business in the County of Cook and
6 State of Illinois, do hereby certify that I reported
7 in machine shorthand the proceedings at the hearing
8 of the above-entitled cause.

9 I further certify that the foregoing is a
10 true and correct transcript of said proceedings as
11 appears from the stenographic notes so taken and
12 transcribed by me.

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16

17 CSR No. 084-003896

18

19 Subscribed to and sworn to
 before me this _____ day
20 of _____, 1999.

21 _____
 Notary Public

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23

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