

ILLINOIS POLLUTION CONTROL BOARD

April 17, 2025

IN THE MATTER OF:)
)
CLEAN-UP AMENDMENTS TO 35)
ILL. ADM. CODE PARTS 101,)
310, 502, 620, 704, 721, 733,) R 25-23
739, 742, 807, 811, 840, 848,) (Rulemaking -
1010, AND 1501) Land, Water)
)
)

Hearing before the Illinois Pollution Control Board
Transcript of Proceedings

April 17, 2025

Reporter: Joanne Ryan, CSR
CSR NO. 084-003334

1 The aforementioned proceedings were held on
2 April 17, 2025, the Illinois Pollution Control Board,
3 Chicago Office, 160 North LaSalle Street, Chicago,
4 Illinois, before Joanne Ryan, a certified shorthand
5 reporter.

6
7 PRESENT:

8 ATTENDING BOARD MEMBERS:

 Barbara Flynn Currie, Chair

9 Jennifer Van Wie

 Michael Mankowski

10 Michelle Gibson

 Angela Tin

11
12 BOARD STAFF

 Tim Fox, Hearing Officer

 Dr. Anand Rao

13 Essence Brown

14
15 BOARD ATTORNEY ADVISORS

 Daniel Pauley

 Anupama Paruchuri

1 (11:16 a.m.)

2 HEARING OFFICER FOX: Good morning, and
3 welcome to this Illinois Pollution Control Board
4 hearing. My name is Tim Fox, and I am the assigned
5 hearing officer for this rulemaking, which is
6 entitled Clean-up Amendments to 35 Illinois
7 Administrative Code Parts 101, 310, 502, 620, 704,
8 721, 733, 739, 742, 807, 811, 840, 848, 1010, and
9 1501. The board docket number for this rulemaking is
10 R25-23. The stated purpose of which on the part of
11 IEPA is to update its street address throughout the
12 board's rules where it appears.

13 To get started I want quickly to go through
14 three preliminary items. Introductions, second the
15 procedure to date, and third the perceived order of
16 the hearing.

17 First, introductions. Present from the
18 board today here in Chicago are to my right the
19 board's chair Barbara Flynn Currie, who is the lead
20 board member for this docket. And at my left board
21 member Jennifer Van Wie. In addition the board's
22 technical staff, Anand Rao, R-A-O, and Essence Brown
23 are both present. And I can see that in Springfield
24 the board members Michelle Gibson, Michael Mankowski,

1 and Angela Tin are present, with board attorney
2 advisors Daniel Pauley, P-A-U-L-E-Y, and Anu
3 Paruchuri, P-A-R-U-C-H-U-R-I. I don't think I have
4 overlooked anyone there in Springfield. Have I?

5 MR. PAULEY: No.

6 MR. FOX: No. Very good.

7 Secondly, I want to go through a quick
8 summary of our procedure to date. On March 10th,
9 2025, IEPA filed its rulemaking proposal, and on
10 March 20th the board accepted the proposal for
11 hearing and submitted it to first notice publication
12 in the Illinois Register without comment on its
13 substantive merits. The board expects that the
14 proposal will appear in the Illinois Register either
15 tomorrow Friday, April -- I'm sorry, Friday, April
16 18th or the following Friday, April 25th.

17 Also on March 20th the hearing officer
18 scheduled two hearings, the first of which of course
19 is taking place today, and the second of which will
20 be held on June 5th. The board published notice of
21 both hearings on March 22nd in the Chicago Suntimes,
22 and on March 26th in the State Journal Register of
23 Springfield.

24 The hearing officer order directed the

1 participants intending to testify today at this
2 hearing to pre-file testimony and exhibits no later
3 than Thursday, April 10th, but the board did not
4 receive any pre-filed testimony for this hearing.

5 On March 27th a hearing officer order did
6 request comment on a specific question from IEPA, the
7 board received IEPA's response on April 11th. And I
8 want the record to reflect that we appreciate the
9 prompt and detailed response, which is very helpful
10 in building our record for this proceeding.

11 Third, our proposed order. We will begin
12 with any person or persons who indicate that they
13 would like to offer public comment, then we can see
14 whether there is anyone who did not pre-file
15 testimony but wishing to testify today.

16 I do have one question to put into the
17 record for IEPA, and then we can quickly determine
18 whether anyone does wish to offer comments before we
19 adjourn. Is there any question about our procedure?
20 Neither seeing nor hearing any, I do want to remind
21 all that this hearing is governed by the board's
22 procedural rules. All information that is relevant
23 and that is not repetitious or privileged will be
24 admitted into the record.

1 Please bear in mind also that any questions
2 posed today by the board or its staff intend only to
3 help develop a clear and complete record for the
4 board's decision and do not reflect any judgment or
5 decision on any testimony, comments, questions or
6 responses.

7 For the sake of our court reporter here in
8 Chicago, I just ask you to please speak as clearly
9 and loudly as you can and avoid speaking at the same
10 time as another person so that we can have a clear
11 record. Any questions before we get under way?
12 Again, neither seeing nor hearing any, I can see that
13 the sign-in sheet in order to offer comment here in
14 Chicago is blank.

15 Miss Paruchuri, is there anyone in
16 Springfield who appears to offer public comment?

17 MS. PARUCHURI: There is not.

18 HEARING OFFICER FOX: Very good. We can see also
19 whether there is anyone who did not pre-file
20 testimony. As I mentioned, we received none
21 pre-filed by the deadline.

22 Miss Paruchuri, anyone there who appears to
23 wish to offer testimony this morning?

24 MS. PARUCHURI: There is not.

1 HEARING OFFICER FOX: There is not. I'm neither
2 seeing nor hearing any here in Chicago either. We
3 can move along very quickly.

4 As I mentioned, I have one question to put
5 into the record to pose to the agency. The board
6 notes that for the anticipated first notice
7 publication of the proposal in the Illinois Register,
8 the Secretary of State has indicated that in Section
9 742.210A, which is a lengthy list of incorporations
10 by reference. The web address for some of the U.S.
11 EPA publications no longer linked to the incorporated
12 document, they have spotted this issue at the end of
13 the many incorporations by reference --
14 incorporations by reference in this subsection.

15 The board as I mentioned does expect first
16 notice publication in the next couple of weeks, and
17 expects also that when it appears it will have
18 updated links to a handful of those incorporated
19 publications. The board also notes that two of those
20 publications do not apparently have updated current
21 or active links, the first of which is test methods
22 in SW-846 through Revision IV, Roman numeral IV B
23 dated 2007, and promulgated test methods 3C and 16
24 also dated 2007.

1 Since the first notice of proposal has not
2 yet been published, the board would simply request
3 that IEPA as the proponent in this rulemaking address
4 those incorporations by reference in writing by a
5 later date that we can set off of the record before
6 we adjourn today.

7 Is there anyone finally who has appeared in
8 the last few moments to offer a public comment?

9 MS. PARUCHURI: Not in Springfield, no.

10 HEARING OFFICER FOX: And neither in Chicago I
11 don't see or hear anyone who wishes to. I do want to
12 move quickly to the issue of the economic impact
13 study.

14 Section 27B of the Environmental Protection
15 Act provides that the board must request that the
16 Department of Commerce and Economic Opportunity
17 conduct an economic impact study of proposed rules
18 before the board adopts them. The board must then
19 make either the study or the department's explanation
20 for not conducting it available to the public at
21 least 20 days before a public hearing.

22 In a letter dated March 20th, 2025, the
23 board's chair, Barbara Flynn Currie, requested the
24 DCEO conduct a study of that proposal and requested a

1 response no later than May 5th of 2025. Recognizing
2 that that date has not yet passed, is there anyone
3 who would like to testify regarding the board's
4 request? Neither seeing nor hearing any, we have
5 determined that there is no one present to offer
6 comment or offer testimony.

7 Can we go off the record just for a moment
8 to clear up solely procedural questions.

9 (Off the record.)

10 HEARING OFFICER FOX: We may go back on the
11 record very quickly, please. After briefly going off
12 the record to discuss procedural matters, I want to
13 confirm that the second hearing in this proceeding
14 will take place as originally scheduled on Thursday,
15 June 5th, 2025 beginning at 11:15 a.m. with a
16 deadline of Thursday, May 29th, 2025 to pre-file
17 testimony. Copies of the transcript of today's
18 hearing are expected to be available no later than
19 Thursday, May 1st. When the board receives that, it
20 will of course promptly post it to the clerk's office
21 online or COOL on the board's website from which it
22 can be reviewed and printed.

23 IEPA off the record helpfully agreed to file
24 a written response to the board's question placed

1 into the record today by the deadline of May 29th to
2 pre-filed testimony for the second hearing. And
3 again that response is appreciated.

4 Are there any other matters we need to
5 address before we adjourn? Neither seeing nor
6 hearing any here in Chicago or in Springfield, we may
7 adjourn.

8 Thank you all for your attendance and
9 participation, and we will see many if not all of you
10 I assume at the second hearing in June. Thank you
11 very much.

12 (Whereupon the proceedings adjourned at
13 11:27 a.m.)
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1 STATE OF ILLINOIS)

) ss:

2 COUNTY OF COOK)

3 JOANNE RYAN, being first duly sworn,
4 deposes and says that she is a Certified Shorthand
5 Reporter in Cook County, Illinois, and reporting
6 proceedings in the Courts in said County;

7 That she reported in shorthand and
8 thereafter transcribed the foregoing proceedings;

9 That the within and foregoing transcript
10 is true, accurate and complete and contains all the
11 evidence which was received in the proceedings had
12 upon the above-entitled cause.

13
14 
15

JOANNE RYAN, C.S.R.

16 License No. 084-003334

Notary Public

17 One North Franklin

Suite 2100

18 Chicago, Illinois 60606
19
20
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23
24

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