

ILLINOIS POLLUTION CONTROL BOARD
May 15, 2025

IN THE MATTER OF:)
)
POTENTIALLY INFECTIOUS MEDICAL)
WASTE (PIMW),) R25-24
PROPOSED AMENDMENT OF) (Rulemaking - Land)
35 ILL. ADM. CODE 1422.APPENDIX A,)
TABLE B – INDICATOR)
MICROORGANISMS)

NOTICE OF HEARINGS

DATES, TIMES, AND LOCATIONS:

FIRST HEARING: Thursday, June 26, 2025, beginning at 10:00 AM

Hearing by videoconference between:

Board Conference Room 1.508
2520 West Iles Avenue
Springfield, Illinois 62702

Michael A. Bilandic Building
Room N505
160 North LaSalle Street
Chicago, Illinois 60601

SECOND HEARING: Thursday, August 21, 2025, beginning at 10:00 AM

Hearing by videoconference between:

Michael A. Bilandic Building
Room N502
160 North LaSalle Street
Chicago, Illinois 60601

Board Conference Room 1.508
2520 West Iles Avenue
Springfield, Illinois 62702

PURPOSE OF HEARINGS:
PRESIDING BOARD MEMBER:

Merit and Economic
Jennifer A. Van Wie

HEARING OFFICER:

Carlie Leoni

HEARING OFFICER ORDER

On March 20, 2025, BioSAFE Engineering (BioSAFE), proposed that the Board amend Part 1422 of its rules for potentially infectious medical waste (PIMW). The proposal included BioSAFE's Statement of Reasons (SR) and a motion for waiver of signature requirement.

BioSAFE engineers and manufactures a range of systems to treat regulated infectious or potentially infectious waste. SR at 1, 2. It reports that both federal and state regulations establish validation protocols assuring the efficacy of treatment systems for handling PIMW. *Id.* at 2. BioSAFE manufactures a low-pressure steam-based treatment system for which, in other states, the standard indicator microorganism for validation testing is *Bacillus Atrophaeus*. *Id.* at 4. BioSAFE proposes to amend Appendix A, Table B of Part 1422 by adding *Bacillus Atrophaeus* to the three indicator organisms currently listed in Table B. *Id.*; see 35 Ill. Adm. Code 1422.Appendix A, Table B.

On March 20, 2025, the Board accepted the proposal, granted the unopposed motion for waiver of signature requirement, and directed the assigned hearing officer to proceed to hearing under the Act and Board rules.

Hearings and Pre-filed Testimony

The Board will conduct two hearings to allow proponents 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) (2022); 35 Ill. Adm. Code 102.412(a). On both of these hearing dates, the Board has scheduled a regular meeting at 11:00 AM. If necessary, the Board will recess the hearing to conduct its meeting and then resume the hearing after the meeting has adjourned.

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). With the availability of videoconference facilities, the Board expects that using available facilities will accommodate attendance and participation at these hearings. In addition, videoconference hearings would reduce the time and cost of travel for the Board Members and staff and hearing participants. Having considered these factors, the Board concludes to conduct the required hearings by videoconference between its Springfield and Chicago offices. 35 Ill. Adm. Code 101.600(b).

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 Web site (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 102.428(a). At both hearings, all pre-filed testimony will be entered into the record as if read. *See* 35 Ill. Adm. Code 102.424(f).

For a videoconference hearing, 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.*

Participants wishing to offer a public comment will be allowed to do so as time allows before the end of a hearing. Participants may also file post-hearing comments. *See* 35 Ill. Adm. Code 102.108(b).

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 (COOL). 35 Ill. Adm. Code 101.302(h), 101.1000(c), 101.Subpart J.

First Hearing

Participants who intend to testify at the first hearing are directed to pre-file all their testimony and related exhibits no later than Thursday, May 22, 2025. *See* 35 Ill. Adm. Code 102.424(a). Participants who have questions based on the pre-filed testimony are urged to pre-file those questions by June 12, 2025.

Although Section 27 of the Act (415 ILCS 5/27 (2022)) does not set the order of the hearing, the hearing officer intends to begin the first hearing with questions directed to witnesses who pre-file testimony for it. *See* 35 Ill. Adm. Code 102.428(c). After the witnesses who pre-filed testimony have responded to questions, participants who did not pre-file testimony may testify as time allows.

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, July 24, 2025. *See* 35 Ill. Adm. Code 102.424(a). Participants who have questions based on the pre-filed testimony are urged to pre-file those questions by August 7, 2025.

The hearing officer intends to begin the second hearing with questions directed to participants who pre-filed testimony for it. Participants who did not pre-file testimony for the second hearing will be allowed to testify and respond to questions as time permits. *See* 35 Ill. Adm. Code 104.424(g).

Service and Notice Lists

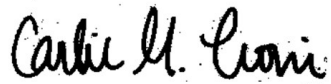
The Board has established and will maintain both a Notice List and Service List for this proceeding. *See* 35 Ill. Adm. Code 102.422(a), (b). The Notice List includes participants who wish to receive only the Board's opinions and orders and hearing officer orders. 35 Ill. Adm. Code 102.422(a). The Service 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 R25-24. 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, which can be viewed, downloaded, and printed free of charge as soon as they are posted to COOL.

Economic Impact Study

In a letter dated May 15, 2025, the Board's Chair requested that the Department of Commerce and Economic Opportunity (DCEO) conduct an economic impact study of the proposed rule and respond to the request no later than Monday, July 14, 2025. At the second hearing, the Board will receive testimony on any response received by DCEO. *See* 415 ILCS 5/27(b) (2022).

IT IS SO ORDERED.



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