

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)
) R 2025-24
POTENTIALLY INFECTIOUS MEDICAL)
WASTE: DESIGN AND OPERATION OF) (Rulemaking)
FACILITIES; PROPOSED AMENDMENT TO)
35 Ill. ADM. CODE 1422.APPENDIX A,)
TABLE B – INDICATOR MICROORGANISMS)

NOTICE

TO: Don A. Brown, Clerk	Carlie Leoni, Hearing Officer
Illinois Pollution Control Board	Illinois Pollution Control Board
60 E. Van Buren Street	60 E. Van Buren Street
Suite 630	Suite 630
Chicago, Illinois 60605	Chicago, Illinois 60605
(VIA ELECTRONIC MAIL)	(VIA ELECTRONIC MAIL)

See attached Service List

PLEASE TAKE NOTICE that I have today electronically filed with the Office of the Clerk of the Illinois Pollution Control Board Illinois Environmental Protection Agency's Motion for Extension of Time to Pre-File Testimony, a copy of which are herewith served upon you along with this notice.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

By: /s/ Trevor D. Dell'Aquila
Trevor D. Dell'Aquila
Assistant Counsel
Division of Legal Counsel

DATED: July 23, 2025

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**ILLINOIS ENVIRONMENTAL PROTECTION AGENCY’S MOTION FOR
EXTENSION OF TIME TO PRE-FILE TESTIMONY**

The Illinois Environmental Protection Agency (“Illinois EPA” or “Agency”), by and through its attorney, hereby submits its Motion for Extension of Time to Pre-File Testimony. The Agency states as follows:

1. By Order on May 15, 2025, the Illinois Pollution Control Board (“Board”) scheduled the Second Hearing in this matter for Thursday, August 21, 2025 at 10:00 AM. Hearing Officer Order (May 15, 2025), p. 1, *Potentially Infectious Medical Waste (PIMW), Proposed Amendment of 35 Ill. Adm. Code 1422.Appendix A, Table B – Indicator Microorganisms*, R2025-024.

2. The May 15, 2025 Order set a deadline for pre-filing testimony and related exhibits for the Second Hearing for no later than Thursday, July 24, 2025. *Id.* at 3.

3. The May 15, 2025 Order also stated participants are urged to pre-file any questions based on the pre-filed testimony by August 7, 2025. *Id.*

4. On June 26, 2025, the Board held its First Hearing on the matter. At the First Hearing, the Board directed a question to the Agency regarding whether the Illinois EPA is comfortable maintaining its historical approach of having equipment manufacturers suggest appropriate indicator organisms for each type of treatment system, or if it would be clear if the Board specifies which indicator organism should be used depending on the type of treatment

system. Transcript of June 26, 2025 Hearing, p. 16:14-24, 17:1-2, *Potentially Infectious Medical Waste (PIMW), Proposed Amendment of 35 Ill. Adm. Code 1422*. Appendix A, Table B – Indicator Microorganisms, R2025-024.

5. In addition to preparing its response to the Board’s question, the Agency has also identified additional sections of 35 Ill. Adm. Code 1422 (“Part 1422”) that need to be amended either to correct outdated information or to be in accordance with BioSAFE Engineering’s (“BioSAFE” or “Proponent”) proposed changes. The Agency also identified that 35 Ill. Adm. Code 1420 (“Part 1420”) may need additional definitions.

6. 35 Ill. Adm. Code 101.522 states “[i]f a party’s motion shows good cause, the Board or hearing officer may extend any deadline required by this Part. The motion may be filed either before or after the deadline expires.” 35 Ill. Adm. Code 101.522.

7. The Agency has determined that it requires additional time to identify the extent of the changes required to Parts 1420 and 1422 and prepare its testimony regarding the proposed changes. Accordingly, the Illinois EPA seeks a seven (7) day extension of the deadlines to pre-file testimony and pre-file questions for the Second Hearing in this matter. The proposed new deadlines for pre-filing testimony and pre-filing questions would be Thursday, July 31, 2025, and Thursday, August 14, 2025, respectively.

8. Allowing additional time to pre-file testimony and questions would not interfere with or otherwise delay the August 21, 2025 Second Hearing date, as the new deadlines occur prior to the Second Hearing.

9. On July 23, 2025, the undersigned counsel for the Illinois EPA contacted counsel for BioSAFE and advised them of the Agency’s intention to file this motion. Counsel for BioSAFE had no objection to the motion.

WHEREFORE, the Illinois Environmental Protection Agency respectfully requests that the Illinois Pollution Control Board grant its Motion to Extension of Time to Pre-File Testimony and extend the deadlines for pre-filing testimony and pre-filing questions by seven (7) days.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

By: /s/ Trevor D. Dell'Aquila
Trevor D. Dell'Aquila
Assistant Counsel
Division of Legal Counsel

DATED: July 23, 2025

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CERTIFICATE OF SERVICE

I, the undersigned, an attorney, state the following:

I have served the attached Illinois Environmental Protection Agency's Motion for Extension of Time to Pre-File Testimony upon the following:

See attached Service List

I affirm that my e-mail address is trevor.dellaquila@illinois.gov; the number of pages in the e-mail transmission is 6; and the e-mail transmission took place before 5:00 p.m. on July 23, 2025.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

By: /s/ Trevor D. Dell'Aquila
Trevor D. Dell'Aquila
Assistant Counsel
Division of Legal Counsel

DATED: July 23, 2025

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SERVICE LIST

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