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APPEARANCES

Board Members present:

- Chairman J. Philip Novak
- Board Member G. Tanner Girard
- Board Member Thomas E. Johnson

Board Staff Members present:

Erin Conley

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

BY: Mr. Kyle Rominger
Assistant Counsel
Division of Legal Counsel
1021 North Grand Avenue East
Springfield, Illinois 62794-9276
On behalf of the Illinois EPA

BY: Ms. Lindsay Evans
Assistant Counsel
Division of Legal Counsel
1021 North Grand Avenue East
Springfield, Illinois 62794-9276
On behalf of the Illinois EPA

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PROCEEDINGS

(January 6, 2005; 1:28 p.m.)

HEARING OFFICER KNITTLE: Good morning.

Good afternoon. My name is John Knittle. I'm sitting in for Hearing Officer Marie Tipsord, who is snowbound in Chicago, and I'm filling in for her. I've been appointed, then, to serve as hearing officer in these proceedings for this hearing entitled "In the Matter of the Proposed Standards for Universal Waste Management Amendments to 35 Illinois Administrative Code 703, 720, 722, 724, 725, 728, 733," docket number R05-8.

Along with me today I have Chairman Phil Novak and Board Members Tanner Girard and Tom Johnson. Also from the board is our esteemed rulemaking coordinator, Erin Conley, right there.

This is the second hearing to be held in these proceedings. The purpose of today's hearing is twofold. First, we will allow anyone who wishes to testify to testify. Second, this rulemaking is subject to Section 27(b) of the Environmental Protection Act. Section 27(b) of the Act requires the Board to request the Department of Commerce and Community Affairs, now known as Department of Commerce and Economic Opportunity, to conduct an economic impact study on certain proposed

1 rules prior to adoption of those rules. If the DCEO
2 chooses to conduct the EcIS hearing, the DCEO has 30 to
3 45 days after such a request to produce a study of the
4 economic impact of the proposed rules. The Board must
5 then make the EcIS or the DCEO's explanation for not
6 conducting the EcIS study available to the public.

7 We have done so, and as this is also for the
8 purposes of EcIS matters, is there anybody here who
9 wishes to comment on the Department of Commerce and
10 Economic Opportunity's decision not to conduct an EcIS
11 study? I see nobody wishing to comment, so that portion
12 of the hearing is completed.

13 Anybody may ask a question. However, I do ask
14 that if you have any questions to raise your hand. I
15 don't think we're going to have any testimony here today,
16 but if we did, we'd ask everyone to state their name and
17 who they represent before beginning the questions. We'd
18 also allow any board member to ask a question or any
19 member of the staff, and those questions are intended to
20 help build a complete record for the Board's decision,
21 not -- and not to express any preconceived notion or
22 bias.

23 Of course at the back of the room are sign-up
24 sheets for the notice and service list. If you wish to

1 be on the service list, you will receive all pleadings
2 and prefiled testimony in this proceeding. In addition,
3 you must serve all of your filings on the persons on the
4 service list. If you wish to be on the notice list, you
5 will receive all board and hearing officer orders in the
6 rulemaking. If you have any questions about this list or
7 which list you want to be on, please see me after the
8 hearing or at a break. There are also copies of the
9 current service and notice list at the back room.

10 I want to ask the board members at this time,
11 starting with Chairman Novak, if you have any comments
12 you wish to make.

13 CHAIRMAN NOVAK: Thanks, John. Just very
14 briefly. This is the second meeting of our required
15 obligation for what the Board is supposed -- is intended
16 to do pursuant to the intent of this act and the -- under
17 the administrative codes, so our first meeting in Chicago
18 to me was very uneventful with respect to any
19 controversy, so I would assume it's going to -- barring
20 any unforeseen circumstances, I would assume this meeting
21 will be likewise, so -- Tanner, do you have anything to
22 say?

23 BOARD MEMBER GIRARD: Nothing. Just good
24 afternoon. We look forward to your testimony.

1 CHAIRMAN NOVAK: Tom?

2 BOARD MEMBER JOHNSON: Nope. Thanks.

3 CHAIRMAN NOVAK: Fire away.

4 HEARING OFFICER KNITTLE: Thank you very
5 much. Kyle, would you like to introduce yourself and who
6 you have with you?

7 MR. ROMINGER: I'll just introduce everybody
8 we have. My name's Kyle Rominger. I'm an attorney for
9 the Illinois EPA. The other attorney we have is Lindsay
10 Evans. To my left is Kevin Greene. He's the manager of
11 the office of pollution prevention here at the agency.
12 We have Mark Crites, who's in the -- RCRA unit?

13 MR. CRITES: RCRA unit.

14 MR. ROMINGER: -- with the agency as the
15 main point person on universal waste issues at the
16 agency, then also his supervisor, Steve Nightingale, and
17 we do not have anything further to present at this
18 hearing, but we'll be happy to answer any questions
19 anybody has.

20 HEARING OFFICER KNITTLE: Okay. The Board
21 does not have any questions. Is there anybody here from
22 the public who has any questions for the agency? Seeing
23 no questions, I will note for the record as well that I
24 don't really think there are any members -- maybe one

1 member of the public, but she has indicated that she's
2 not going to ask any questions. Let's go off the record
3 for just a sec.

4 (Discussion held off the record.)

5 HEARING OFFICER KNITTLE: Let's go back on
6 the record, then. There are no members of the public
7 here. I'm going to close this up now and then we're
8 going to hold this open on the record for about 15
9 minutes in light of the weather conditions to make sure
10 that any members of the public wanting the opportunity to
11 comment on this rulemaking would have that opportunity.

12 We should note that Public Act 93-964 became
13 effective on August 20, 2004. The Agency was required to
14 propose within 60 days of the effective date rules that
15 designate mercury switches, mercury relays and scientific
16 instruments and instructional equipment containing
17 mercury added during their manufacture as universal
18 waste. The Board is required to adopt these rules on or
19 before April 15, 2005. Because of the stringent time
20 frame for final adoption, the Board set forth a specific
21 time frame for proceeding with this rule. To ensure that
22 the Board completes the rulemaking in that time frame,
23 the comment period for this rulemaking will be closing on
24 January 20, 2005, and the mailbox rule will not apply.

1 Comments must be received by the Board in the Board's
2 offices on January 20, 2005. If you need to file those
3 by fax, you should call Marie Tipsord at the Chicago
4 office and talk to her and get permission before you do
5 any fax filings. The Board has also requested an
6 expedited transcript for this hearing.

7 Let's go off the record for 15 minutes to make
8 sure no one else has any comments, and that's it for now.

9 (15-minute recess taken.)

10 HEARING OFFICER KNITTLE: We're going back
11 on the record. I just want to note for the record that
12 no members of the public have appeared to ask questions.
13 Mr. Rominger, do you have anything further you want to
14 add?

15 MR. ROMINGER: Nothing further.

16 HEARING OFFICER KNITTLE: Anything from the
17 Board?

18 BOARD MEMBER GIRARD: No.

19 HEARING OFFICER KNITTLE: Thank you all for
20 coming, and that's it.

21 (End of hearing.)

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1 STATE OF ILLINOIS)
) SS
2 COUNTY OF ST. CLAIR)

3

4 I, KAREN WAUGH, a Notary Public and Certified
5 Shorthand Reporter in and for the County of St. Clair,
6 State of Illinois, DO HEREBY CERTIFY that I was present
7 at the Illinois Pollution Control Board, Springfield,
8 Illinois, on January 6, 2005, and did record the
9 aforesaid hearing; that same was taken down in shorthand
10 by me and afterwards transcribed, and that the above and
11 foregoing is a true and correct transcript of said
12 hearing.

13 IN WITNESS WHEREOF I have hereunto set my hand
14 and affixed my Notarial Seal this 8th day of January,
15 2005.

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Notary Public--CSR

#084-003688