

BEFORE THE
ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:
PROPOSED AMENDMENTS TO SPECIAL
WASTE HAULING PERMIT

)
) DOCKET R13-8
)
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STATE OF ILLINOIS
Pollution Control Board

Hearing held, pursuant to notice, on November
15, 2012, at the hour of 9:30 a.m. at 1021 North
Grand Avenue, Springfield, Illinois, before CAROL
WEBB, duly appointed Hearing Officer.

L.A. COURT REPORTERS, LLC
(312) 419-9292

REPORTER:

Carla J. Boehl, CSR #084-002710

1 BOARD MEMBERS:

2 TOM HOLBROOK, Chairman
3 DEANNE GLOSSER

4 APPEARANCES:

5 KIMBERLY GEVING
6 Assistant Counsel

7 appearing on behalf of IEPA;

8 EPA STAFF:

9 DAVID WALTERS

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PROCEEDINGS

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2 MS. WEBB: Good morning, and welcome to this
3 Illinois Pollution Board hearing. My name is Carol
4 Webb, and I am acting today as the hearing officer
5 for this rulemaking proceeding entitled "In the
6 Matter of: Proposed Amendments to Special Waste
7 Hauling Permit Regulations to Implement Public Act
8 97-1081, 35 Illinois Administrative Code 809.204 and
9 809.212. The Board Docket Number for this rulemaking
10 is R13-8. Also present today from the board is
11 Chairman Tom Holbrook, the lead board member in this
12 proceeding, and Board Member Dr. Deanna Glosser.

13 The Illinois Pollution Control Board
14 initiated this rulemaking in an order dated September
15 20, 2012. The Board did so in response to Public Act
16 97-1081 effective August 24, 2012. One provision of
17 that Public Act amends Section 22.2(1) of the
18 Environmental Protection Act by extending the
19 duration of the special waste hauling permits from
20 one year to three years.

21 To implement Public Act 97-1081, the
22 Board proposed amendments to Part 809 of its solid
23 waste and special waste hauling regulations for
24 first notice publication, without commenting on their

1 substantive merits. Those proposed amendments
2 appeared in the Illinois Register on October 5, 2012,
3 at 36 Illinois Register, page 14600.

4 The first hearing took place on October
5 18, 2012, in Chicago. A hearing officer order set
6 November 1, 2012, as the deadline to prefile
7 testimony for the second hearing, and no participant
8 has prefiled any testimony.

9 I will just take a moment right now to
10 note that there are no members of the public here.
11 We do have from the IEPA Ms. Kim Geving and Mr. David
12 Walters who I understand is not here to testify but
13 simply to answer any of the Board's questions or
14 anybody else's questions, although there is no one
15 else present.

16 This proceeding is governed by the
17 Board's procedural rules. Under Section 104.426 of
18 the Board's procedural rules, all information that is
19 relevant and that is not repetitious or privileged
20 will be admitted into the record. Please note that
21 any questions posed today by the Board and its staff
22 are intended solely to assist in developing a clear
23 and complete record for the Board's decision and do
24 not reflect any prejudgment of the proposal.

1 There is nobody here who wishes to
2 testify. I will ask the Board members on the record,
3 do you have any questions that you would like to ask
4 the agency this morning?

5 DR. GLOSSER: No, I don't.

6 CHAIRMAN. HOLBROOK: No, I don't.

7 MS. WEBB: Okay, thank you. So let's move on
8 to the issue of an economic impact study. Section
9 27B of the Environmental Protection Act provides that
10 the Board must request that the Department of
11 Commerce and Economic Opportunity (DCEO) conduct an
12 economic impact study of proposed rules before the
13 Board adopts the rules. The Board must make either
14 the economic impact study, or the Department's
15 explanation for not conducting one, available to the
16 public at least 20 days before a public hearing.

17 In a letter dated September 20, 2012,
18 Chairman Tom Holbrook requested that DCEO conduct an
19 economic impact study of this rulemaking proposal.
20 The Board specifically requested a response no later
21 than October 25, 2012. The Board has received no
22 response from DCEO to this request.

23 Is there anyone here who would like to
24 testify or say anything regarding the economic impact

1 study?

2 (No response.)

3 Seeing no one who wishes to say anything
4 about anything at this hearing, we will just proceed
5 on to the final procedural issues.

6 Copies of this transcript are expected to
7 be available at the Board, we are hoping, possibly by
8 Monday, November 19. If our court reporter is able
9 to get it in that quickly, that would be fantastic.
10 Once it is filed with the Board, the transcript will
11 be posted promptly to the Board's website.

12 Before it takes action on the agency's
13 proposal, the Board will hold open a post-hearing
14 comment period ending Friday, November 30. The
15 mailbox rule at Section 101.300B of the Board's
16 procedural rules does not apply to the filing of any
17 post-hearing comments. Those comments must be
18 received in the Board's clerk's office by the close
19 of business on November 26.

20 I do want to note that these comments may
21 be filed electronically through the Board's clerk's
22 office on line or COOL. Any questions about
23 electronic filing through COOL should be directed to
24 the clerk's office. Filings with the Board, whether

1 paper or electronic, must also be served on the
2 hearing officer and on those persons on the service
3 list. Before filing, please check with the Board's
4 clerk to insure that you have the most recent version
5 of the service list.

6 If anyone has any questions about
7 procedural aspects of this rulemaking, contact
8 information is listed on the Board's website.

9 Are there any other final matters to be
10 addressed before we adjourn?

11 (No response.)

12 Not seeing any, I would like to thank
13 everybody for coming today, and the second and final
14 hearing is adjourned.

15 HEARING ADJOURNED AT 9:36 A.M.

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C E R T I F I C A T E

I, Carla J. Boehl, a Certified Shorthand Reporter and Notary Public in and for said County and State, do hereby certify that the foregoing transcript contains a true and accurate translation of my shorthand notes referred to.

Given under my hand and seal this 19th day of November, A.D., 2012.

My commission expires April 13, 2015.

Carla Boehl
Certified Shorthand Reporter
Lic. # 084-002710
Notary Public

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