

ILLINOIS POLLUTION CONTROL BOARD
DECEMBER 5, 2017

IN THE MATTER OF:)
) No. R18-19
NOISE RULE UPDATE:) (Rulemaking-
) Noise)
AMENDMENTS TO 35 ILL. ADM.)
CODE PARTS 900, 901, 902)
and 910.)

REPORT OF THE PROCEEDINGS held in the above entitled cause before Hearing Officer Tetyana Rabczak, called by the Illinois Pollution Control Board, taken by Steven Brickey, CSR, for the State of Illinois, 100 West Randolph Street, Chicago, Illinois, on the 24th day of January, 2018, commencing at the hour of 10:00 a.m.

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A P P E A R A N C E S

MS. TETYANA RABCZAK, Chairman
MS. CARRIE ZALEWSKI, Board Member
MS. BRENDA CARTER, Board Member
MR. TIMOTHY FOX, Board Member
MS. KATIE PAPADIMITRIU, Board Member
MR. ANAND RAO, Technical Unit

ALSO PRESENT:

MS. ALISA LIU

1 MS. RABCZAK: It's 10:00. Good
2 morning, everybody. Welcome to the Illinois
3 Pollution Control Board. This is the hearing in
4 the rulemaking proceeding entitled Noise Rule
5 Update: Amendments to 35 Ill. Adm. Code Parts
6 900, 901, 902, and 910. Can everybody hear me all
7 right?

8 My name is Tanya Rabczak and I
9 will be the Hearing Officer for this proceeding.
10 Also present today from the board are Katie
11 Papadimitriou, the lead board member on this case
12 and also the chairman of the board. We also have
13 Brenda Carter and Carrie Zalewski from the board,
14 board members. We also have Tim Fox, the attorney
15 advisor to Brenda and Cynthia Santos. We also
16 have Anand Rao, the chief scientist of the board
17 and the technical unit.

18 Today's hearing is governed by
19 the board's procedural rules. All information
20 that is relevant and that is not repetitious or
21 privileged will be admitted into the record. To
22 develop a clear record, please speak up and please
23 speak slowly and state your name for the court
24 reporter. If there is anybody from the -- a

1 member of the public wishing to testify or provide
2 public comments, we have sign-up sheets. We'll
3 check those later if we see anybody show up.

4 A little bit about this
5 rulemaking. The board opened this docket in -- on
6 October 5th, 2017, to update its noise rules.
7 This review is part of a broader review of the
8 board's rules that were started in summer of 2016.
9 It is aimed to update and clarify board rules. It
10 is also part of Governor's Rauner's Executive
11 Order 2016-13 initiative aimed at reducing
12 regulatory burden and clarifying regulations in
13 Illinois. Amendments proposed in this rulemaking
14 concern parts, as I mentioned, 900, 901, 902 and
15 910 of the board's noise rules.

16 They update definitions,
17 references and sound measurement procedures. They
18 also clarify language in some sections and remove
19 provisions that are no longer applicable or
20 necessary. The board adopted proposed amendments
21 for public comment in this proceeding on October
22 5, 2017, without submitting it to first-notice
23 publication. The board invited comments and
24 scheduled two hearings on the proposal by video

1 conference in Chicago and Springfield. Today we
2 begin with the first hearing that is scheduled to
3 continue until tomorrow, if necessary, which I
4 doubt.

5 The second hearing is scheduled
6 on February 21st and the board published notice of
7 those hearings in the State Journal-Register of
8 Springfield on December 7th, 2017, and in the
9 Chicago Tribune on December 8th, 2017. The board
10 invited interested persons to pre-file their
11 comments and testimonies and to contact the
12 Hearing Officer to be added to this docket's
13 notice list. So far, the board has not received
14 any comments in this rulemaking. We have not
15 received any pre-filed questions, any pre-filed
16 testimonies. No appearances were filed either.

17 This hearing will be dedicated
18 to any testimony or public comments that any
19 member of the public wish to provide at this
20 specific hearing. It is also dedicated to the
21 comments that will satisfy obligations under
22 Section 27(b) of the Environmental Protection Act.
23 It requires the Department of Commerce and
24 Economic Opportunity, DCEO, to provide -- to

1 conduct a study of an economic impact of the
2 proposed rules.

3 The board sent a request to DCEO
4 on October 25, 2017, and so far the board did not
5 receive any response from DCEO. This hearing --
6 at this hearing, any member of the public can
7 provide testimony or public comments on the
8 economic impact of the proposed amendments.
9 Again, I'll repeat my question. If there is -- is
10 there any member of the public here in Chicago or
11 Springfield who wish to provide testimony or
12 public comments? I don't see any. I don't hear
13 any.

14 I would suggest that we recess
15 for ten minutes and see if anybody shows up to let
16 people have an opportunity if they're running late
17 and it is 10:05. So if we can come back at 10:15.
18 We'll see you then.

19 (Whereupon, a break was taken
20 after which the following
21 proceedings were had.)

22 MS. RABCZAK: Back on the record and
23 I will repeat my question. Is there any member of
24 the public wishing to testify or provide public

1 comments in this hearing here in Chicago and
2 Springfield? I don't see anybody. I don't hear
3 anybody. So I think this is -- this concludes our
4 meeting today, which means we do not have to
5 continue tomorrow either. Before we adjourn, as a
6 reminder, the second hearing in this proceeding is
7 scheduled to begin on Wednesday, February 21st at
8 10:00 a.m. It will be a hearing by video
9 conference between the Chicago and Springfield
10 offices. It will also be continued to the next
11 day, if necessary.

12 The Hearing Officer order set
13 deadlines for pre-filing in that hearing and the
14 deadlines for the pre-filing testimony are
15 February 9th, pre-filed questions should be filed
16 by February 16th. Any documents -- because this
17 hearing is conducted by video conference, any
18 documents that are offered as hearing exhibits
19 must be received by the board's clerk office at
20 least 24 hours before the scheduled start of the
21 hearing. We will -- after we conclude the second
22 hearing, we will set up the deadline for any
23 post-hearing comments.

24 Meanwhile, members of the public

1 are encouraged to submit any comments they have or
2 file testimony. The transcript of today's hearing
3 will be available after five business days, which
4 I believe is January 31st. Any comments, any
5 testimony that the board receives will be posted,
6 as well as this transcript will be posted on the
7 board's website to the clerk's office's online
8 filing system, so-called COOL, and it can be
9 viewed and printed by anybody.

10 Are there any other matters that
11 need to be addressed at this time? Hearing
12 none --

13 MR. RAO: Do you want to record the
14 huge applause you got off record?

15 MS. PAPADIMITRIU: Yes, I think
16 that's appropriate. Thank you, sir.

17 MS. RABCZAK: I would like to thank
18 everyone for participating today and this first
19 hearing is adjourned. Thank you.

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1 STATE OF ILLINOIS)
2) SS.
3 COUNTY OF COOK)
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5 I, Steven Brickey, Certified Shorthand
6 Reporter, do hereby certify that I reported in
7 shorthand the proceedings had at the trial
8 aforesaid, and that the foregoing is a true,
9 complete and correct transcript of the proceedings
10 of said trial as appears from my stenographic
11 notes so taken and transcribed under my personal
12 direction.

13 Witness my official signature in and for
14 Cook County, Illinois, on this _____ day of
15 _____, A.D., 2018.

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<p style="text-align: center;">A</p> <p>A.D 9:15 a.m 1:10 7:8 Act 5:22 added 5:12 addressed 8:11 adjourn 7:5 adjourned 8:19 Adm 1:5 3:5 admitted 3:21 adopted 4:20 advisor 3:15 aforsaid 9:8 aimed 4:9,11 ALISA 2:7 amendments 1:5 3:5 4:13,20 6:8 Anand 2:4 3:16 anybody 3:24 4:3 6:15 7:2,3 8:9 appearances 5:16 appears 9:10 applause 8:14 applicable 4:19 appropriate 8:16 attorney 3:14 available 8:3</p> <hr/> <p style="text-align: center;">B</p> <p>back 6:17,22 believe 8:4 bit 4:4 board 1:1,9 2:2 2:3,3,4 3:3,10 3:11,12,13,14 3:16 4:5,9,20 4:23 5:6,9,13 6:3,4 8:5 board's 3:19 4:8 4:15 7:19 8:7 break 6:19 Brenda 2:3 3:13 3:15 Brickey 1:9 9:5</p>	<p>9:20 broader 4:7 burden 4:12 business 8:3</p> <hr/> <p style="text-align: center;">C</p> <p>C 2:1 called 1:8 Carrie 2:2 3:13 Carter 2:3 3:13 case 3:11 cause 1:8 Certified 9:5 certify 9:6 chairman 2:2 3:12 check 4:3 Chicago 1:10 5:1,9 6:10 7:1 7:9 9:22 chief 3:16 clarify 4:9,18 clarifying 4:12 clear 3:22 clerk 7:19 clerk's 8:7 Code 1:5 3:5 come 6:17 commencing 1:10 comment 4:21 comments 4:2 4:23 5:11,14 5:18,21 6:7,12 7:1,23 8:1,4 Commerce 5:23 complete 9:9 concern 4:14 conclude 7:21 concludes 7:3 conduct 6:1 conducted 7:17 conference 5:1 7:9,17 contact 5:11 continue 5:3 7:5 continued 7:10</p>	<p>Control 1:1,9 3:3 Cook 9:3,14 COOL 8:8 correct 9:9 County 9:3,14 court 3:23 CSR 1:9 9:20,23 Cynthia 3:15</p> <hr/> <p style="text-align: center;">D</p> <p>day 1:10 7:11 9:14 days 8:3 DCEO 5:24 6:3 6:5 deadline 7:22 deadlines 7:13 7:14 December 1:1 5:8,9 dedicated 5:17 5:20 definitions 4:16 Department 5:23 develop 3:22 direction 9:12 docket 4:5 docket's 5:12 documents 7:16 7:18 doubt 5:4</p> <hr/> <p style="text-align: center;">E</p> <p>E 2:1,1 economic 5:24 6:1,8 either 5:16 7:5 encouraged 8:1 entitled 1:8 3:4 Environmental 5:22 everybody 3:2,6 Executive 4:10 exhibits 7:18</p>	<p style="text-align: center;">F</p> <p>far 5:13 6:4 February 5:6 7:7,15,16 file 8:2 filed 5:16 7:15 filing 8:8 first 5:2 8:18 first-notice 4:22 five 8:3 following 6:20 foregoing 9:8 Fox 2:3 3:14</p> <hr/> <p style="text-align: center;">G</p> <p>Good 3:1 governed 3:18 Governor's 4:10</p> <hr/> <p style="text-align: center;">H</p> <p>hear 3:6 6:12 7:2 hearing 1:8 3:3 3:9,18 5:2,5,12 5:17,20 6:5,6 7:1,6,8,12,13 7:17,18,21,22 8:2,11,19 hearings 4:24 5:7 held 1:7 hour 1:10 hours 7:20 huge 8:14</p> <hr/> <p style="text-align: center;">I</p> <p>Ill 1:5 3:5 Illinois 1:1,8,9 1:10 3:2 4:13 9:1,14,22 impact 6:1,8 information 3:19 initiative 4:11 interested 5:10 invited 4:23 5:10</p>	<p style="text-align: center;">J</p> <p>January 1:10 8:4 Journal-Regis... 5:7</p> <hr/> <p style="text-align: center;">K</p> <p>Katie 2:4 3:10</p> <hr/> <p style="text-align: center;">L</p> <p>language 4:18 late 6:16 lead 3:11 list 5:13 little 4:4 LIU 2:7 longer 4:19</p> <hr/> <p style="text-align: center;">M</p> <p>MATTER 1:3 matters 8:10 means 7:4 measurement 4:17 meeting 7:4 member 2:2,3,3 2:4 3:11 4:1 5:19 6:6,10,23 members 3:14 7:24 mentioned 4:14 minutes 6:15 Monroe 9:21 morning 3:2</p> <hr/> <p style="text-align: center;">N</p> <p>N 2:1 name 3:8,23 necessary 4:20 5:3 7:11 need 8:11 noise 1:4,4 3:4 4:6,15 notes 9:11 notice 5:6,13</p> <hr/> <p style="text-align: center;">O</p>
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