

ILLINOIS POLLUTION CONTROL BOARD  
March 19, 2019

IN THE MATTER OF: )  
 )  
AMENDMENTS TO MANIFESTING ) R19-18  
REQUIREMENTS: SPECIAL WASTE ) (Rulemaking - Land)  
HAULING 35 ILL. ADM. CODE 809 )

**NOTICE OF HEARING**

DATES, TIMES, AND LOCATIONS:

FIRST HEARING: Thursday, May 9, 2019, beginning at 1:00 PM

BY VIDEOCONFERENCE BETWEEN

BOARD CHICAGO HEARING ROOM  
Room 11-512  
James R. Thompson Center  
100 W. Randolph Street

BOARD SPRINGFIELD HEARING ROOM  
Conference Room 1244N, 1st Floor  
1021 N. Grand Ave. E.  
North Entrance

SECOND HEARING: Thursday, June 6, 2019, beginning at 1:00 PM

BY VIDEOCONFERENCE BETWEEN

BOARD CHICAGO HEARING ROOM  
Room 11-512  
James R. Thompson Center  
100 W. Randolph Street

BOARD SPRINGFIELD HEARING ROOM  
Conference Room 1244N, 1st Floor  
1021 N. Grand Ave. E.  
North Entrance

In compliance with the Americans with Disabilities Act and other applicable federal and State laws, the hearing will be accessible to individuals with disabilities. Persons requiring auxiliary aids and services should contact Don Brown, Clerk of the Board, at 100 West Randolph St., Suite 11-500, Chicago, Illinois 60601, at telephone number 312/814-6931, fax number 312/814-3669, or TDD number 312/814-6032, five days prior to the hearing.

PURPOSE OF HEARINGS: Merit and Economic

PRESIDING BOARD MEMBER: U-Jung Choe

HEARING OFFICER: Daniel Pauley

### **HEARING OFFICER ORDER**

On November 27, 2018, the Illinois Environmental Protection Agency (IEPA) proposed amendments to Part 809 (Special Waste Hauling) of its solid waste and special waste hauling regulations. *See* 35 Ill. Adm. Code 809. Accompanying the proposal was IEPA's Statement of Reasons (SR) and other documents. *See* 35 Ill. Adm. Code 102.202(b). IEPA argues that the amendments to Part 809 "would allow Illinois transporters of non-hazardous special waste to obtain and use functionally identical manifests to track such waste while avoiding the significant costs and burdens associated with utilization of USEPA's e-Manifest system." SR at 1.

### **Hearings and Pre-Filed Testimony**

The Board will conduct two hearings to allow IEPA 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) (2016); 35 Ill. Adm. Code 102.412(a).

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 COOL on the Board's Web site ([pcb.illinois.gov](http://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). A brief introduction or summary of the pre-filed testimony will be allowed if a witness wishes to provide one before responding to questions.

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, April 25, 2019. *See* 35 Ill. Adm. Code 102.424(a).

Although Section 27 of the Act (415 ILCS 5/27 (2016)) does not set the order of the hearing, the hearing officer will begin the first hearing with witnesses who pre-filed testimony for it. *See* 35 Ill. Adm. Code 102.428(c). After those witnesses have testified, participants who do not pre-file testimony may testify as time allows after the Board completes the pre-filed testimony and questions based on it.

### **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, May 23, 2019. *See* 35 Ill. Adm. Code 102.424(a).

The hearing officer will begin the second hearing with any participants who pre-filed testimony for the first hearing but were not able to testify and respond to questions before the end of that hearing. Next, participants who pre-filed testimony for the second hearing will present that testimony and respond to questions. 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).

In a letter dated March 19, 2019, the Board requested that the Department of Commerce and Economic Opportunity (DCEO) conduct an economic impact study of the amended proposal and respond to the request by April 30, 2019. At the second hearing, the Board will receive testimony on any study conducted by DCEO or DCEO's decision not to conduct one. *See* 415 ILCS 5/27(b) (2016).

### **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 e-mail address through COOL under this docket number R19-18. 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, and those documents can be viewed, downloaded, and printed free of charge as soon as they are posted to the Board's web site.

IT IS SO ORDERED.



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