

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

<b>IN THE MATTER OF:</b>	)	
	)	<b>R22-17</b>
<b>AMENDMENTS TO 35 ILL. ADM. CODE</b>	)	
<b>PART 203: MAJOR STATIONARY SOURCES</b>	)	
<b>CONSTRUCTION AND MODIFICATION,</b>	)	
<b>35 ILL. ADM. CODE PART 204: PREVENTION</b>	)	
<b>OF SIGNIFICANT DETERIORATION, AND</b>	)	
<b>PART 232: TOXIC AIR CONTAMINANTS</b>	)	

**NOTICE**

TO: Don Brown  
Clerk  
Illinois Pollution Control Board  
James R. Thompson Center  
100 West Randolph St., Suite 11-500  
Chicago, IL 60601-3218

**SEE ATTACHED SERVICE LIST**

PLEASE TAKE NOTICE that I have today electronically filed with the Office of the Pollution Control Board the **MOTION FOR EXTENSION OF TIME TO FILE ILLINOIS EPA'S SECOND SET OF ANSWERS, COMMENTS AND RECOMMENDATIONS FOR ADDITIONAL REVISIONS** a copy of which is herewith served upon you.

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY

By: *Sally A. Carter*  
Sally Carter  
Assistant Counsel  
Division of Legal Counsel

DATED: May 11, 2022

1021 North Grand Avenue East  
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Springfield, IL 62794-9276  
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**MOTION FOR EXTENSION OF TIME TO FILE ILLINOIS EPA’S SECOND SET OF ANSWERS, COMMENTS AND RECOMMENDATIONS FOR ADDITIONAL REVISIONS**

NOW COMES the Respondent, ILLINOIS ENVIRONMENTAL PROTECTION AGENCY (“Illinois EPA”), by and through its attorneys, pursuant to 35 Ill. Adm. Code 102.402 and 101.522 and moves the ILLINOIS POLLUTION CONTROL BOARD (“Board”) for an extension of the time to file the Illinois EPA’s Second Set of Answers, Comments and Recommendations for Additional Revisions in the above-captioned matter.

1. On August 16, 2021, Illinois Environmental Regulatory Group (IERG) filed a proposal with the Board to revise Part 203, 35 Ill. Adm. Code Part 203, Major Stationary Source Construction and Modification that is applicable to the proposed construction of a major stationary source or major modification at an existing stationary source of air pollutants generally regulated under the Clean Air Act (CAA), except to the extent that Prevention of Significant Deterioration (PSD) is or could be applicable for such proposed project. In this rulemaking proposal, IERG also proposed amendments to 35 Ill. Adm. Code 204, Prevention of Significant Deterioration and 35 Ill. Adm. Code 232, Toxic Air Contaminants.

2. On September 9, 2021, the Board accepted IERG's regulatory proposal for hearing. Two public hearings have been held by the Board. The first hearing was held on February 17, 2022, and the second hearing was held on April 7, 2022. During the second hearing, the Board set a May 16, 2022, deadline for filing post-hearing comments on IERG's regulatory proposal. On May 6, 2022, the Illinois Attorney General's Office (IAGO) filed a Motion to Stay (IAGO's Motion) this rulemaking pending review of the United States Environmental Protection Agency's (USEPA) Project Emissions Accounting Rule by both the USEPA and the United States Court of Appeals for the D.C. Circuit (DC Circuit).

3. Due to the press of other permit matters and enforcement case matters unrelated to the present rulemaking, the undersigned attorney has not been able to devote all the resources necessary to complete the Illinois EPA's Second Set of Answers, Comments and Recommendations for Additional Revisions. Nor has the undersigned attorney had an opportunity to consult with the USEPA on this proposed response.

4. Moreover, until the Board acts on the IAGO's Motion, the Illinois EPA would prefer to not expend its valuable resources responding to IERG's current rulemaking – particularly if the Board were to grant a stay pending USEPA's and the DC Circuit's review of the Project Emissions Accounting Rule.

5. Based on the foregoing, the Illinois EPA formally requests an extension of time to file the Illinois EPA's Second Set of Answers, Comments and Recommendations for Additional Revisions with the Board. If the Board were to grant the IAGO's Motion, the Illinois EPA would request that the deadline for filing any post-hearing comments be 30 days after the lifting of any stay by the Board. If the Board were to deny the IAGO's

Motion, the Illinois EPA would request that the deadline for filing any post-hearing comments be 30 days after any Board's Order denying the IAGO's Motion.

6. The grant of this extension of the filing date will ensure that this response is not needlessly filed during the pendency of any stay ordered by the Board but filed shortly after any Board order if the Board were to deny the IAGO's Motion. This will serve to limit the expenditure of constrained State resources at this time.

WHEREFORE, the Illinois EPA respectfully requests that the Board grant this Motion for Extension of Time to file the Illinois EPA's Second Set of Answers, Comments and Recommendations for Additional Revisions.

Respectfully submitted by,

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY,



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Sally A. Carter  
Assistant Counsel

Dated: May 11, 2022  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
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My e-mail address is [sally.carter@illinois.gov](mailto:sally.carter@illinois.gov).

The number of pages in the e-mail transmission is 7.

The e-mail transmission and depositing said document in the United States Mail took place before 5:00 p.m. on May 11, 2022.

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY,



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Sally Carter  
Assistant Counsel  
Division of Legal Counsel

Dated: May 11, 2022

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