

ILLINOIS POLLUTION CONTROL BOARD

August 17, 2023

IN THE MATTER OF:

AMENDMENTS TO 35 ILL. ADM. CODE
201, 202, AND 212

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R23-18(A)
(Rulemaking - Air)

NOTICE OF HEARINGS

On August 7, 2023, the Illinois Environmental Regulatory Group, Rain CII Carbon LLC, Dynegy Midwest Generation LLC and Midwest Generation LLC, American Petroleum Institute, and East Dubuque Nitrogen Fertilizers LLC filed rulemaking proposals to amend 35 Ill. Adm. Code 212, 215, 216, and 216 to provide alternate emission limitations during periods of startup, shutdown, breakdown, and malfunction. On August 17, 2023, the Board accepted these proposals for hearing.

Below, the Board sets a schedule of hearings intended to expedite this rulemaking:

DATES, TIMES, AND LOCATIONS:

FIRST HEARING:

Wednesday, September 27, 2023, beginning at 9:00 AM

Illinois Environmental Protection Agency
Sangamo Room
1021 N. Grand Ave. East (North Entrance)
Springfield

SECOND HEARING:

Wednesday, November 1, 2023, beginning at 9:00 AM

Michael A. Bilandic Building
Room N505
160 North LaSalle Street
Chicago

PURPOSE OF HEARINGS

PRESIDING BOARD MEMBERS:

HEARING OFFICER:

Merit and Economic

Michelle Gibson

Chloe Salk

HEARING OFFICER ORDER

The Board will conduct two hearings and allow any interested participants to testify and comment on the merits and economic impact of the proposed rule. *See* 415 ILCS 5/28(a) (2022); 35 Ill. Adm. Code 102.412(a).

Hearings and Pre-filed Testimony

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 the Clerk's Office On-Line (COOL) on the Board's Web site (<https://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 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 questions. 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).

Unless the Board, hearing officer, Clerk, or procedural rules provides otherwise, all documents in this proceeding must be filed electronically through COOL. 35 Ill. Adm. Code 101.302(h), 101.1000(c), 101.Subpart J.

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 electronically. *See* 35 Ill. Adm. Code 102.108(b).

First Hearing

Participants who intend to testify at the first hearing are directed to pre-file all of their testimony and related exhibits no later than Monday, August 28, 2023. *See* 35 Ill. Adm. Code 102.424(a). Pre-filed questions based on that testimony must be filed by Wednesday, September 20, 2023.

Although Section 27 of the Act (415 ILCS 5/27(2022)) does not set the order of the hearing, the hearing officer intends to begin with pre-filed questions directed to witnesses. After the witnesses have responded to the pre-filed questions, participants who did not pre-file questions may ask questions as time allows.

Second Hearing

Participants who intend to testify at the second hearing are directed to pre-file all of their testimony and related exhibits no later than Wednesday, October 18, 2023. *See* 35 Ill. Adm.

Code 102.424(a). Pre-filed questions based on that testimony must be filed by Wednesday, October 25, 2023.

The hearing officer intends to begin with pre-filed questions directed to witnesses. After the witnesses have responded to the pre-filed questions, participants who did not pre-file questions may ask questions as time allows.

In a letter dated August 17, 2023, the Board's Chair 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 Monday, October 2, 2023. *See* 415 ILCS 5/27(b) (2022). At the second hearing, the Board also will receive testimony on a study conducted by DCEO or on DCEO's decision not to conduct one.

Service and Notice Lists

The Board established and maintains both a Notice List and Service List for this proceeding. 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 102.4229(b).

Note that any interested person may request electronic notice of filings by providing an e-mail address through COOL under this docket number R23-18(A). 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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