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**STATE OF ILLINOIS**  
**Pollution Control Board**

ILLINOIS POLLUTION CONTROL BOARD  
December 23, 2008

IN THE MATTER OF: )  
)  
AIR QUALITY STANDARDS CLEAN-UP: ) R09-19  
AMENDMENTS TO 35 ILL. ADM. CODE ) (Rulemaking - Air)  
PART 243 )

**NOTICE OF HEARINGS**

DATES, TIMES, AND LOCATIONS:

FIRST HEARING: TUESDAY, FEBRUARY 3, 2009

1:00 PM  
Madison County Administration Building  
County Board Room #203  
157 N. Main St.  
Edwardsville, Illinois

SECOND HEARING: TUESDAY, MARCH 10, 2009

9:00 AM  
Illinois Pollution Control Board Conference Room 11-512  
James R. Thompson Center  
100 W. Randolph St.  
Chicago, Illinois

PURPOSE OF HEARINGS: Merit and Economic

ATTENDING BOARD MEMBER: Andrea S. Moore

HEARING OFFICER: Timothy J. Fox

**HEARING OFFICER ORDER**

On December 1, 2008, the Illinois Environmental Protection Agency (Agency) filed with the Board a proposal under the general rulemaking provisions of Sections 27 and 28 of the Environmental Protection Act (Act) (415 ILCS 5/27, 28 (2006)). Generally, the Agency proposes to amend Part 243 of the Board's air pollution regulations (35 Ill. Adm. Code 243) to incorporate new federal air quality standards.

The Board will conduct two hearings in order to allow the proponent and any other interested participants the opportunity to present testimony on the merits and economic impact of

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 John Therriault, Assistant 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.

the rulemaking proposal. At hearing, all persons who testify will be sworn in and subject to questioning. The Board will also receive any testimony on any economic impact study (EcIS) conducted by the Department of Commerce and Economic Opportunity (DCEO) on the proposed rules or on DCEO's decision not to perform an EcIS.

In setting hearing dates, the Board has considered and accommodated its general workload and the numerous days of rulemaking hearings now scheduled. As indicated above in the notice of hearings, the first hearing will take place on Tuesday, February 3, 2009, in Edwardsville, and the second hearing will take place on Tuesday, March 10, 2009, in Chicago.

### **Pre-Filing Deadlines**

Participants who intend to testify at hearing are urged to pre-file their testimony and directed to serve any pre-filed testimony on the hearing officer and all persons on the Service List. Before filing pre-filed testimony or any other document with the Clerk, please check with the Board's Clerk to obtain the most recent version of the Service List.

Participants who wish to testify at the first hearing are directed to pre-file all of their testimony and any related exhibits no later than Tuesday, January 20, 2009. Pre-filing deadlines for the second hearing will be determined at a later date.

The "mailbox rule" at 35 Ill. Adm. Code 101.300(b)(2) does not apply to the filing of any pre-filed testimony in this proceeding. The Board's Clerk must receive these documents before the close of business on the specified dates. Although documents may be filed electronically through the Clerk's Office On-Line (COOL) from the Board's Web site at [www.ipcb.state.il.us](http://www.ipcb.state.il.us), all electronic or approved fax filings must be received by the Clerk's Office no later than 4:30 PM on the due date. Any questions about electronic filing through COOL should be directed to the Clerk's Office at (312) 814-3629.

### **Order of Hearings**

Although Section 27 of the Act (415 ILCS 5/27 (2006)) does not limit the first hearing to the testimony of the proponent, the hearing officer intends to begin the first hearing with the Agency's presentation of its proposal. For the first hearing, a brief summary of testimony will be allowed if a witness wishes to provide one before responding to questions. All pre-filed testimony will be entered into the record as if read. *See* 35 Ill. Adm. Code 102.424(f).

After the Agency has addressed all questions from other participants, and if time permits before the conclusion of the first hearing, other participants who have pre-filed testimony may then testify. Participants who do not pre-file testimony will be allowed to testify as time permits after the conclusion of pre-filed testimony and questions based upon it.

The hearing scheduled to begin March 10, 2009 will begin with participants who pre-filed testimony for the first hearing and were not able to testify at that time. Participants who pre-filed testimony for the second hearing will then present that testimony. Participants who do not pre-file testimony will be allowed to testify as time permits after the conclusion of pre-filed

testimony and questions based upon it. All testimony pre-filed for the second hearing will also be entered into the record as if read. *See* 35 Ill. Adm. Code 102.424(f).

Any participant who wishes to offer a public comment at either hearing will be allowed to do so if time permits at the close of the testimony and questions based upon it. The Board's procedural rules also include an opportunity to file post-hearing comments. *See* 35 Ill. Adm. Code 102.108(b). The rules also provide that "[t]he Board will accept written comments from any person concerning the proposed regulations during the first notice period." 35 Ill. Adm. Code 102.604.

### **Service and Notice Lists**

The Service List for this rulemaking is the list of persons who wish to participate actively in this proceeding and to receive not only the Board's opinions and orders but also other filings such as pre-filed testimony and public comments. The Notice List includes participants who wish to receive only the Board's opinions and orders and hearing officer orders.

Note that interested persons may now request electronic notice of filings by providing their e-mail address through COOL under this docket number R09-19. This electronic notice includes notice of the 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. For more information about the option of electronic notice or COOL, please consult either the Board's Web site at [www.ipcb.state.il.us](http://www.ipcb.state.il.us) or John Therriault, the Board's Assistant Clerk, at (312) 814-3629.

IT IS SO ORDERED.



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Timothy J. Fox  
Hearing Officer  
Illinois Pollution Control Board  
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Chicago, Illinois 60601  
312-814-6085  
[foxt@ipcb.state.il.us](mailto:foxt@ipcb.state.il.us)