

FEB 03 2009

STATE OF ILLINOIS
Pollution Control Board

ILLINOIS POLLUTION CONTROL BOARD

February 3, 2009

IN THE MATTER OF:)	
)	
PROPOSED AMENDMENTS TO TIERED)	R09-9
APPROACH TO CORRECTIVE ACTION)	(Rulemaking – Land)
OBJECTIVES (35 ILL. ADM. CODE 742))	

HEARING OFFICER ORDER

Several filings deadlines for the second hearing were established on the record at the conclusion of the first hearing. This order will further document those filing requirements. As provided in the October 20, 2008 notice of hearing, the first hearing took place in Springfield on January 27, 2009, and the second hearing is scheduled for March 17, 2009, continuing the next day if business remains at the end of the 17th.

To enhance the productivity of the second hearing, the hearing officer is requiring prefiled testimony, prefiled questions, and prefiled answers. Any person who wishes to testify at the second hearing must prefile his or her testimony and any related exhibits with the Clerk of the Board no later than February 24, 2009. The hearing officer directs participants to prefile questions by March 5, 2009, for witnesses who prefiled testimony. In addition, the hearing officer directs those witnesses to whom prefiled questions are addressed to prefile answers to those prefiled questions by March 12, 2009.

The "mailbox rule" (35 Ill. Adm. Code 101.300(b)(2)) does not apply to any of these filings—therefore, the Clerk must *receive* the prefiled materials by 4:30 p.m. on the respective deadline dates. Prefiled materials may be filed through the Clerk's Office On-Line (COOL) on the Board's Web site at www.ipcb.state.il.us. Any questions about electronic filing through COOL should be directed to the Clerk's Office at (312) 814-3629. All timely prefiled materials will be entered into the record as if read at hearing, unless the hearing officer directs otherwise. 35 Ill. Adm. Code 102.424(f). Those who prefile testimony and related exhibits, questions, or answers are requested to bring two copies of their prefiled material to the second hearing. Participants who do not prefile testimony will be allowed to testify at the second hearing only if time permits after all prefiled materials are addressed. Prefiled materials filed with the Clerk must also be served on those persons on the R09-9 Service List, which is available on COOL.

IT IS SO ORDERED.



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