

ILLINOIS POLLUTION CONTROL BOARD
December 16, 2010

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STATE OF ILLINOIS
Pollution Control Board

IN THE MATTER OF:)
)
REVISION OF ENHANCED VEHICLE) R11-19
EMISSION INSPECTION AND) (Rulemaking - Air)
MAINTENANCE (I/M) REGULATIONS:)
AMENDMENTS TO 35 ILL. ADM. CODE)
240)

NOTICE OF HEARINGS

DATE, TIME, AND LOCATION:

WEDNESDAY, FEBRUARY 2, 2011

1:00 PM
Room 11-512, Illinois Pollution Control Board Videoconference Room
James R. Thompson Center
100 W. Randolph Street
Chicago, Illinois

WEDNESDAY, FEBRUARY 23, 2011

9:00 AM
Room 208, Madison County Administration Building
157 N. Main St.
(parking lot at rear of building)
Edwardsville, Illinois

PURPOSE OF HEARINGS: Merit and Economic

ATTENDING BOARD MEMBER: Andrea S. Moore

HEARING OFFICER: Timothy J. Fox

HEARING OFFICER ORDER

On December 8, 2010, the Illinois Environmental Protection Agency (Agency) filed a rulemaking proposal pursuant to Section 20 of the Vehicle Emissions Inspection Law of 2005 (VEIL of 2005) (625 ILCS 5/13C-20 (2008)); Section 10, 27, and 28 of the Environmental Protection Act (Act) (415 ILCS 5/10, 27, 28 (2008); and Sections 102.200 and 102.202 of the Board's procedural rules (35 Ill. Adm. Code 102.200 102.202). The Agency proposes to repeal various test emission standards and to update definitions and incorporations.

The Board will conduct two hearings in order to allow the Agency and any other interested participants the opportunity to present testimony on the merits and economic impact of the proposal. *See* 415 ILCS 5/28(a) (2008). At hearing, all persons who wish to testify will be sworn in and subject to questioning.

Section 27(b) of the Act (415 ILCS 5/27(b) (2008)), which addresses requests by the Board that the Department of Commerce and Economic Opportunity (DCEO) conduct an economic impact study (EcIS) of proposed rules, does not apply to rules filed under subsection 20(a) of the VEIL of 2005. 625 ILCS 5/13C-20(a) (2008). Accordingly, the Board has not requested that DCEO conduct an EcIS of this proposal, and the hearing will not address that specific issue of an EcIS.

Pre-Filing Deadlines

Participants who intend to testify at hearing are urged to pre-file their testimony and are directed to serve pre-filed testimony on 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 Wednesday, January 19, 2011. The deadline to pre-file testimony for the second hearing will be set at a later date.

The "mailbox rule" at 35 Ill. Adm. Code 101.300(b)(2) does not apply to the filing of any of this pre-filed testimony, and the Board's Clerk must receive these documents before the close of business on Wednesday, January 19, 2010. However, 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. Any questions about electronic filing through COOL should be directed to the Clerk's Office at (312) 814-3629.

Order of Hearing

At hearing, all pre-filed testimony will be entered into the record as if read. *See* 35 Ill. Adm. Code 102.424(f). The hearing officer intends to begin the hearing by allowing the Agency as the proponent to present the pre-filed testimony of all of its witnesses. A witness may offer a brief summary of pre-filed testimony if he or she wishes to provide one before turning to questions. After the Agency's witnesses address questions from other participants, other persons who have pre-filed testimony will testify. Participants who do not pre-file testimony will be allowed to testify after the conclusion of pre-filed testimony and questions based upon it.

Any participant who wishes to offer a public comment at the hearing will be allowed to do so at the close of pre-filed testimony and questions based upon it. In addition, the Board's procedural rules include an opportunity to file post-hearing comments. *See* 35 Ill. Adm. Code 102.108(b).

Service and Notice Lists

The Service List for this rulemaking is the list of persons who wish to participate actively in this proceeding and 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 R11-19. 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 or John Therriault, the Board's Assistant Clerk, at (312) 814-3629.

IT IS SO ORDERED.



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