

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

**IN THE MATTER OF:** )  
 )  
**CLEAN-UP** ) **R09-019**  
**AMENDMENTS TO 35 ILL.** ) **(Rulemaking - Air)**  
**ADM. CODE PART 243** )  
 )

**NOTICE**

TO:

**John Therriault, Clerk**  
**Illinois Pollution Control Board**  
**State of Illinois Center**  
**100 West Randolph, Suite 11-500**  
**Chicago, Illinois 60601**

via electronic mail on January 18, 2011, and upon:

**Alec M. Davis**  
**General Counsel**  
**Illinois Environmental Regulatory Group**  
**215 E. Adams Street**  
**Springfield, IL 62701**

**Mitchell Cohen**  
**Chief Legal Counsel**  
**Illinois Dept. of Natural Resources**  
**One Natural Resources Way**  
**Springfield, Illinois 62702-1271**

**Katherine Hodge**  
**Monica T. Rios**  
**Hodge Dwyer & Driver**  
**3150 Roland Avenue**  
**PO Box 5776**  
**Springfield, IL 62705-5776**

**Mr. Timothy J. Fox**  
**Hearing Officer**  
**Illinois Pollution Control Board**  
**100 W. Randolph Street**  
**Suite 11-500**  
**Chicago, Illinois 60601**

**Matthew Dunn, Division Chief**  
**Environmental Enforcement/**  
**Asbestos Litigation Division**  
**Office of the Attorney General**  
**100 W. Randolph Street,**  
**Suite 1200**  
**Chicago, Illinois 60601**

PLEASE TAKE NOTICE that I have today filed with the Office of the Pollution Control Board the FIRST NOTICE COMMENTS OF THE ILLINOIS

ENVIRONMENTAL PROTECTION AGENCY a copy of which is herewith served upon you.

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY

By: \_\_\_\_\_  
Charles E. Matoesian  
Assistant Counsel  
Division of Legal Counsel

DATED: January 18, 2011  
P.O. Box 19276  
Springfield, Illinois 62794-9276  
217/782-5544

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

<b>IN THE MATTER OF:</b>	)	
	)	
<b>CLEAN-UP</b>	)	<b>R09-19</b>
<b>AMENDMENTS TO 35 ILL.</b>	)	<b>(Rulemaking - Air)</b>
<b>ADM. CODE PART 243</b>	)	
	)	

**FIRST NOTICE COMMENTS OF THE ILLINOIS EPA**

NOW COMES the ILLINOIS ENVIRONMENTAL PROTECTION AGENCY (“Illinois EPA”), by its attorneys, and hereby submits its first notice comments in the above rulemaking proceeding. The Illinois EPA has reviewed the Illinois Pollution Control Board’s (“Board’s”) Order sending the rule to first notice and responds as follows:

The Illinois Environmental Group’s (“IERG”) suggestions regarding the SO<sub>2</sub>, NO<sub>2</sub> and CO provisions of the Illinois rule were not part of the Illinois EPA’s original proposal and the Illinois EPA believes that the IPCB should not make these changes in this proceeding. Since the Illinois EPA’s original filing of its proposal, USEPA has revised the SO<sub>2</sub> and NO<sub>2</sub> air quality standards, and is considering revisions to the CO, ozone, and PM<sub>2.5</sub> standards as well. The Illinois EPA intends to propose revisions to these standards in a separate rulemaking in the near future.

Further, IERG overreaches in claiming that the Board made a finding of fact regarding the current language in Part 243 concerning the SO<sub>2</sub> air quality standard. First Notice Comments of the IERG, page 9. Rather, the Board restated IERG’s position but chose not to make IERG’s requested change. The Illinois EPA encourages the Board to maintain this course of action.

The Board, in its Opinion and Order, further chooses not to make the changes recommended by IERG concerning CO and NO<sub>2</sub>. The Illinois EPA encourages the Board to maintain this course of action and only amend Part 243 as laid out in its Order. It is preferable, at this point, to limit the amendments to Part 243 to the pollutants and changes that the Illinois EPA has suggested and the Board had listed in its Opinion and Order.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY

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Charles E. Matoesian  
Assistant Counsel

DATED: January 18, 2011  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276  
(217) 782-5544

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<b>AMENDMENTS TO 35 ILL.</b>	)	<b>(Rulemaking - Air)</b>
<b>ADM. CODE PART 243</b>	)	
	)	

**PROOF OF SERVICE**

I, the undersigned, on oath state that I have served the attached FIRST NOTICE COMMENTS OF THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY upon the persons to whom it is directed, by placing it in envelopes addressed to:

TO:

**John Therriault, Clerk  
Illinois Pollution Control Board  
State of Illinois Center  
100 West Randolph, Suite 11-500  
Chicago, Illinois 60601**

via electronic mail on January 18, 2011, and upon:

**Alec M. Davis  
General Counsel  
Illinois Environmental Regulatory Group  
215 E. Adams Street  
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Chief Legal Counsel  
Illinois Dept. of Natural Resources  
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Environmental Enforcement/  
Asbestos Litigation Division  
Office of the Attorney General  
100 W. Randolph Street,  
Suite 1200  
Chicago, Illinois 60601**

by mailing same by First Class Mail from Springfield, Illinois on January 18, 2011 with sufficient postage affixed.

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SUBSCRIBED AND SWORN TO BEFORE ME

this    th day of       , 2011

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Notary Public