

ILLINOIS POLLUTION CONTROL BOARD  
April 9, 2013

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STATE OF ILLINOIS  
Pollution Control Board

IN THE MATTER OF: )  
)  
VAPOR RECOVERY RULES: ) R13-18  
AMENDMENTS TO 35 ILL. ADM. CODE ) (Rulemaking - Air)  
PARTS 201, 218, and 219 )

**NOTICE OF HEARINGS**

DATES, TIMES, AND PLACES:

FIRST HEARING: WEDNESDAY, MAY 8, 2013, at 11:00 A.M.

Illinois Pollution Control Board  
Conference Room 1244  
1021 N. Grand Ave. East, North Entrance  
Springfield, Illinois

SECOND HEARING: WEDNESDAY, JUNE 5, 2013, at 1:00 P.M.

Michael A. Bilandic Building  
160 North LaSalle St.  
Room N-505  
Chicago, Illinois

PURPOSE OF HEARINGS: Merit and Economic  
ATTENDING BOARD MEMBER: Jerry D. O'Leary  
HEARING OFFICER: Richard R. McGill, Jr.

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 Theriault, 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.

## **HEARING OFFICER ORDER**

On March 18, 2013, the Illinois Environmental Protection Agency (IEPA) filed a rulemaking proposal to amend the Board's air pollution rules at 35 Ill. Adm. Code 201, 218, and 219. The proposal includes the phase out of Stage II vapor recovery systems at gasoline dispensing operations in the Chicago ozone nonattainment area. The phase out is due to the widespread use of on-board refueling vapor recovery throughout the national motor vehicle fleet. IEPA filed the proposal under Sections 10, 27, and 28 of the Environmental Protection Act (415 ILCS 5/10, 27, 28 (2010)).

On April 4, 2013, the Board issued an opinion and order which, among other things, accepted IEPA's proposal for hearing, granted IEPA's motion for expedited review, and, without commenting on the merits of the proposal, adopted the proposed amendments for first-notice publication in the *Illinois Register* pursuant to the Illinois Administrative Procedure Act (5 ILCS 100/5-40 (2010)).

Two hearings are presently scheduled, as stated in the above notice. The first hearing will be held in Springfield, beginning at 11:00 a.m. on May 8, 2013. The second hearing will be held in Chicago, beginning at 1:00 p.m. on June 5, 2013. The purpose of these hearings is to allow the Board to receive testimony from IEPA and other interested participants on the merits and economic impact of the rulemaking proposal. At hearing, all persons who testify will be sworn and subject to questioning.

To enhance the productivity of the first hearing, the hearing officer is requiring pre-filed testimony. Any person who wishes to testify at the first hearing must pre-file his or her testimony and any related exhibits with the Clerk of the Board no later than April 24, 2013. The "mailbox rule" (35 Ill. Adm. Code 101.300(b)(2)) does not apply to this filing—therefore, the Clerk must *receive* the pre-filed materials by 4:30 p.m. on April 24, 2013. Pre-filed materials may be filed through the Clerk's Office On-Line (COOL) on the Board's Web site at [www.ipcb.state.il.us](http://www.ipcb.state.il.us). Any questions about electronic filing through COOL should be directed to the Clerk's Office at (312) 814-3629. IEPA's rulemaking proposal, including its statement of reasons and proposed rule language, may be obtained on COOL. Pre-filed materials, public comments, hearing transcripts, and opinions and orders in R13-18 also will be available on-line through COOL.

All timely pre-filed testimony will be entered into the record as if read at hearing, unless the hearing officer directs otherwise. *See* 35 Ill. Adm. Code 102.424(f). Those who pre-file are requested to (1) be prepared to provide a brief verbal summary of their pre-filed materials at hearing and (2) bring three copies of their pre-filed material to the hearing. Participants who do not pre-file testimony will be allowed to testify at the first hearing only if time permits after all pre-filed testimony has been addressed. A pre-filing deadline for the second hearing may be established at a later date.

The Notice List for this rulemaking is the list of persons who wish to receive only the Board's opinions and orders and hearing officer orders. The Service List is the list of persons

who wish to actively participate in this proceeding and receive not only opinions and orders, but also other filings such as pre-filed testimony and public comments. The Notice and Service Lists for R13-18 are available on COOL. Pre-filed materials filed with the Clerk must also be served on the hearing officer and on those persons on the Service List.

IT IS SO ORDERED.



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Hearing Officer  
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