



By: /s/ Gregory E. Wannier

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*Counsel for Sierra Club*

Dated: July 15, 2015

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

IN THE MATTER OF: )  
 )  
AMENDMENTS TO 35 ILL. ADM. CODE ) R 15-21  
PART 214, SULFUR LIMITATIONS, PART ) (Rulemaking-Air)  
217, NITROGEN OXIDES EMISSIONS, )  
AND PART 225, CONTROL OF EMISSIONS )  
FROM LARGE COMBUSTION SOURCES )

**MOTION TO EXTEND THE EXPERT TESTIMONY FILING DEADLINE**

Intervenor Sierra Club, by its attorneys Faith Bugel and Greg Wannier, hereby requests that the Illinois Pollution Control Board (“Board”) provide a one-week extension to Sierra Club of the July 17, 2015 deadline for filing expert testimony in its Hearing Officer Order/Correspondence of May 7, 2015, in relation to the proposed rule to control emissions of sulfur dioxide (SO<sub>2</sub>) in and around areas designated as nonattainment with respect to the 2010 SO<sub>2</sub> National Ambient Air Quality Standard (NAAQS) (the “Rule”). As grounds therefor, Sierra Club states as follows,

1. The Illinois Environmental Protection Agency (“Agency”) filed the proposed Rule pursuant to Sections 4, 10, 27, 28, and 28.2 of the Environmental Protection Act (Act) (415 ILCS 5/4, 10, 27, 28, 28.2 (2012)) and Section 102.202 of the Board’s procedural rules (35 Ill. Adm. Code 102.202). The Agency filed a total of fourteen documents and one disc, including a motion for expedited review and a motion for waiver of copy requirements. The Agency also filed a motion to amend the rulemaking proposal on April 30, 2015, and again on July 7, 2015.
2. As part of this filing, the Agency attached its modeling indicating levels of emissions from the sources in Lemont and Pekin that would bring both regions into attainment. This modeling forms the basis for the final decisions the Agency made in the proposed Rule. The Agency also included a technical support document (TSD) for the overall rule decision that provides a summary of several of its decisions.
3. Sierra Club requested additional information from the Agency regarding its modeling on June 8, 2015, after which the Agency provided some of the requested information. Sierra Club and the Agency discussed these information requests, as well as additional requests, on July 15, 2015, and had a productive and informative conversation, during which the Agency provided additional information.
4. This additional information should enable Sierra Club’s experts to conduct a reasonably thorough and rigorous analysis of the proposed Rule, including an analysis of the underlying modeling that justifies the decision. However, Sierra Club’s experts would need an additional week to fully analyze this additional information, and provide the Board with their complete analysis and review of the proposed Rule.

5. This full analysis and review by Sierra Club's experts is critical to the determination whether the proposed Rule will satisfy the state's obligations here under the Clean Air Act, because the Rule is inextricably linked with its underlying modeling: if the modeling incorrectly predicts attainment, then the Rule will not lead to attainment of the NAAQS in the Lemont and Pekin nonattainment areas. Thus, full review of the modeling is necessary to determine whether the Rule needs revisions to ensure that it is environmentally sound.
6. Sierra Club discussed this extension with the Agency on the July 15, 2015 call, and the Agency agreed it would not object to the extension requested in this motion. The Agency further represented that it would be prepared to respond to this testimony, including with questions, at least by the date of the August 4, 2015 hearing.

WHEREFORE, Sierra Club requests that the Board grant its Motion to Extend the Expert Testimony Filing Deadline by one week, to July 24, 2015.

DATED: July 15, 2015.

Respectfully submitted,

By: /s/ Faith Bugel \_\_\_\_\_

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**Certificate of Service**

I, Kadie McShirley, hereby certify that I did on July 15, 2015, send by U.S. Mail, with postage thereon fully prepaid, a true and correct copy of Sierra Club's Motion to Extend the Expert Testimony Filing Deadline in this case to the official service list and filed the original and nine copies of the same by common carrier (FedEx) to the Clerk of the Illinois Pollution Control Board at the following address:

Pollution Control Board, Attn: Clerk  
100 West Randolph Street  
James R. Thompson Center, Suite 11-500  
Chicago, Illinois 60601-3218

July 15, 2015

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/s/  
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