

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

In the Matter of: )  
 )  
AMENDMENTS TO ) R2018-20  
 ) (Rulemaking – Air)  
35 ILL. ADM. CODE 225.233, )  
MULTI-POLLUTANT STANDARDS (MPS) )

**NOTICE OF FILING**

PLEASE TAKE NOTICE that I have filed today with the Illinois Pollution Control Board the attached **AFFIRMATION OF LINDSAY DUBIN and ENVIRONMENTAL GROUPS' REQUEST FOR MODIFICATION OF HEARING HOURS ON JANUARY 17, 2018**, copies of which are served on you along with this notice.

Respectfully Submitted,



Lindsay Dubin  
Environmental Law & Policy Center  
35 E. Wacker Dr., Suite 1600  
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(312) 795-3712

Dated: November 21, 2017

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

In the Matter of: )  
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AMENDMENTS TO ) R2018–20  
35 ILL. ADM. CODE 225.233, ) (Rulemaking – Air)  
MULTI-POLLUTANT STANDARDS (MPS) )

**ENVIRONMENTAL GROUPS’ REQUEST FOR MODIFICATION OF HEARING  
HOURS ON JANUARY 17, 2018**

Eco-Justice Collaborative, Environmental Defense Fund, Environmental Law & Policy Center, Natural Resources Defense Council, Prairie Rivers Network, Respiratory Health Association, and the Sierra Club (collectively, “Environmental Groups”) request that the Illinois Pollution Control Board (“the Board”) modify the hours of the January 17, 2018 hearing in the above-captioned matter so that this hearing may conclude at 9:00pm CST. This modification will expand the inclusivity of the Board’s proceedings in this matter and allow for increased participation from community members. Furthermore, the venue for the January 17, 2018 hearing is willing to accommodate a 9:00pm CST conclusion time. In support of this motion Environmental Groups state as follows:

1. On October 30, 2017, interested parties participated in a prehearing conference in this proceeding that was facilitated by Board Hearing Officer Marie Tipsord. At this conference, it was decided that the hearings in this matter would be held on January 17-18, 2018 in Peoria, Illinois, and during two days of the first full week of March, 2018 in Edwardsville, Illinois. Also during this conference, several stakeholder groups expressed support for at least one of these hearings to include evening hours to ensure that community members who work during the day have an opportunity to participate. In

response to this request, Hearing Officer Tipsord stated that the Board was potentially open to this request if a Peoria venue agreed to accommodate evening hours.

2. On November 8, 2017, the Board published the Notice of Hearing in this matter designating the Peoria public hearings be held in the Peoria Public Library—Main Library. This notice stated that, with respect to the January 17, 2018 hearing date, “The Board secured a building that will allow us to remain until 6 p.m. but we must be out of the building by 6 p.m. Therefore, the Board will extend the hearing on January 17, 2018, until 5:45 p.m. and absolutely no later.” Notice of Hr’g in PCB R2018-20, slip op. \*2 (Nov. 8. 2017). No other hearings in this matter are scheduled with hours that extend later than this time of day.
3. On November 20, 2017, Environmental Law and Policy Center Staff Attorney Lindsay Dubin spoke with Alyce Jackson, Manager of Programs at the Peoria Public Library. Ms. Jackson stated that staff at the Peoria Public Library Main Library are willing to accommodate the use of the library’s auditorium for the January 17, 2018 until 9:00pm CST and that this accommodation would be free of charge.
4. Board rules state that “[t]he hearing officer will select hearing locations that... to the extent feasible, promote the attendance of interested members of the public, the convenience of the parties, and the conservation of the Board’s resources.” 35 ILL. ADM. CODE 101.600(a).
5. There is a significant amount of public interest in this rulemaking, including in the Peoria area, and it could have major public health implications statewide. *See e.g.*, WAND-TV, *Activists Speak Out Against Coal Law Proposal*, Oct. 25, 2017 (updated Nov. 15, 2017);<sup>1</sup> Michael Hawthorne, *Pollution Could Increase as Rauner EPA Moves to Rescue Coal*

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<sup>1</sup> Available at <http://www.wandtv.com/story/36684836/activists-speak-out-against-coal-law-changes>.

*Plants*, Peoria Journal Star, Sept. 30, 2017 (originally published in the Chicago Tribune);<sup>2</sup> and Associated Press, *Rauner's Proposed Coal Regulations Could Increase Pollution*, Peoria Public Radio, Oct. 2, 2017.<sup>3</sup>

6. Extending the July 17, 2018 hearing hours to 9:00pm CST while ensuring that at least one of the Peoria hearings continues to take place during the day will further the Board's objective of promoting attendance of interested members of the public. Many members of the public would be unable to participate in a hearing that concluded before 5:45pm CST for any number of reasons such as (1) inability to get time off from work; (2) inability to afford sacrificing hourly wages to attend; or (3) lack of child care options.
7. Furthermore, because the Peoria Public Library—Main Library will host the January 17, 2018 hearing free of charge, extending the hearing's hours to 9:00pm CST should have little to no impact on the Board's goal of selecting a hearing location that would promote conservation of the Board's resources.
8. Public hearings such as the July 17, 2018 hearing serve critical functions that cannot be replaced by any other stage of the Board rulemaking proceedings. PCB hearings create a unique space where concerned citizens can speak directly to members of their government about their concerns and feel that they are being listened to. They also provide a venue for attendees to listen to and question witnesses. It is therefore crucial that the Board provide as many people as possible with an opportunity to attend the public hearings.

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<sup>2</sup> Available at <http://www.pjstar.com/news/20170930/pollution-could-increase-as-rauner-epa-moves-to-rescue-coal-plants>.

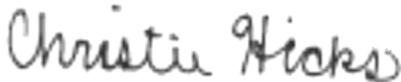
<sup>3</sup> Available at <http://peoriapublicradio.org/post/rauners-proposed-coal-regulations-could-increase-pollution#stream/0>.

9. Organizations that support extending the hours of the July 17, 2018 hearing include, but are not limited to:

- Central Illinois Healthy Community Alliance;
- Eco-Justice Collaborative;
- Environmental Defense Fund;
- Environmental Law and Policy Center;
- Natural Resources Defense Council;
- Prairie Rivers Network;
- Respiratory Health Association;
- the Sierra Club; and
- Union of Concerned Scientists.

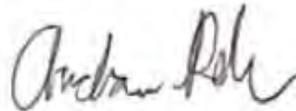
WHEREFORE, for the reasons stated above, Environmental Groups request that the Illinois Pollution Control Board (“the Board”) modify the hours of the January 17, 2018 hearing in the above-captioned matter so that this hearing may conclude at 9:00pm CST.

Respectfully Submitted,



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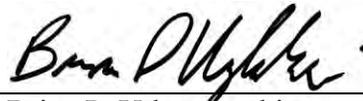
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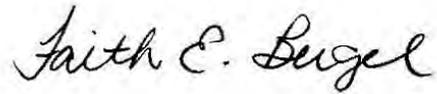
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Dated: November 21, 2017

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	)	R2018-20
AMENDMENTS TO	)	(Rulemaking – Air)
35 ILL. ADM. CODE 225.233,	)	
MULTI-POLLUTANT STANDARDS (MPS)	)	

**AFFIRMATION OF LINDSAY DUBIN**

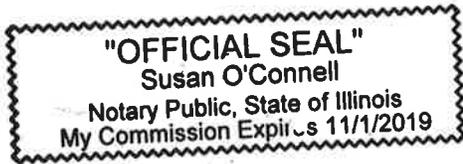
On affirmation I, the undersigned, hereby state that the facts in the foregoing **ENVIRONMENTAL GROUPS' REQUEST FOR MODIFICATION OF HEARING HOURS ON JANUARY 17, 2018** are true and accurate to the best of my information and belief.

Respectfully submitted,

Lindsay Dubin  
Environmental Law & Policy Center  
35 E. Wacker Dr., Suite 1600  
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ldubin@elpc.org  
(312) 795-3726

Dated: November 21, 2017

Notary Seal



Subscribed and sworn to before me this 21<sup>st</sup> day of November,

2017.

Notary Public

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**CERTIFICATE OF SERVICE**

The undersigned certifies that a true copy of the foregoing **NOTICE OF FILING, AFFIRMATION OF LINDSAY DUBIN, and ENVIRONMENTAL GROUPS' REQUEST FOR MODIFICATION OF HEARING HOURS ON JANUARY 17, 2018** on behalf of the Environmental Law & Policy Center in R2018-20 were served upon the attached service list by e-mail on November 21, 2017.



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