

ILLINOIS POLLUTION CONTROL BOARD
December 12, 2018

IN THE MATTER OF:)
)
PROPOSED NEW 35 ILL. ADM. CODE 204,) R19-1
PREVENTION OF SIGNIFICANT) (Rulemaking - Air)
DETERIORATION, AMENDMENTS TO 35)
ILL. ADM. CODE PARTS 101, 105, 203, 211,))
and 215.)

NOTICE OF HEARING

DATES, TIMES, AND PLACES:

SECOND HEARING: Is rescheduled from January 15, 2019, to

February 26, 2019, at 10:00am to 5:30pm,
to be continued, if necessary, to February 27, 2019, 9:00am
to 4:30pm.

By videoconference between:

IPCB Chicago Hearing Room
Room 11-512
James R. Thompson Center
100 W. Randolph
Chicago, IL 60601

AND

IPCB Springfield Hearing Room
Conference Room 1244 N, 1st Floor
Illinois Environmental Protection Agency
1021 N. Grand Avenue East, North Entrance
Springfield, Illinois

PURPOSE OF HEARINGS: Merit and Economic

ATTENDING BOARD MEMBERS: Katie Papadimitriu, Carrie K. Zalewski

HEARING OFFICER: Tetyana Rabczak

HEARING OFFICER ORDER

During the prehearing conference on December 11, 2018, to accommodate the participants, it was agreed to reschedule the second hearing in this proceeding to February 26th and February 27th, 2019. The hearing will be held by videoconference between the Board's Chicago and Springfield offices. The hearing officer will be in Springfield.

Pre-Filing Deadlines

IEPA answers to the questions raised before and during the first hearing are due January 25, 2019. IEPA also confirmed during the pre-hearing conference that IEPA witnesses that testified at the first hearing will also be available at the second hearing to answer questions.

Pre-filed testimony is due February 8, 2019. Participants who intend to testify at the second hearing are directed to pre-file their testimony and any related exhibits by said deadline. *See* 35 Ill. Adm. Code 102.424(b).

Pre-filed questions are due February 15, 2019. To expedite the hearing and make it more efficient, participants are directed to pre-file written questions based on any testimony pre-filed before the hearing. *See* 35 Ill. Adm. Code 102.424(b).

Pre-filed answers, if any, are due February 22, 2019. To expedite the hearing and make it more efficient, participants are encouraged, but not required, to pre-file written answers to the questions raised before the hearing. *See* 35 Ill. Adm. Code 102.424(b).

Because the hearing is held by videoconference, to afford all participants equal access, any document to be offered as a hearing exhibit must be received by the Clerk's Office at least 24 hours before the scheduled start of the hearing. 35 Ill. Adm. Code 102.424(h). If not filed before the hearing, the document will not be allowed at the hearing but may be filed as a public comment after the hearing. *Id.*

Pre-Filing Procedures

All filings in this proceeding will be available on the Board's website at <https://pcb.illinois.gov> in the rulemaking docket R19-1. Unless the Board, hearing officer, Clerk, or procedural rules provide otherwise, all documents in this proceeding must be filed electronically through the Clerk's Office On-Line (COOL). 35 Ill. Adm. Code 101.302(h), 101.1000(c), 101.Subpart J.

The pre-filed testimony and pre-filed questions must be served on the persons on the Service List at the time of filing. *See* 35 Ill. Adm. Code 102.424(c). Service may be done by e-mail on a recipient that has consented to e-mail service and has not revoked the consent. 35 Ill. Adm. Code 101.1060. Participants in this rulemaking are encouraged to provide consent to e-mail service of documents. *See* 35 Ill. Adm. Code 101.1070(a). Before filing any document, please obtain the current version of the Service List on the rulemaking's docket R19-1 webpage or by calling the Clerk's Office at 312-814-3461.

The hearing officer intends to begin each hearing with any participants who pre-filed testimony for the hearing. Participants that don't pre-file testimony will be allowed to testify and respond to questions as time permits. *See* 35 Ill. Adm. Code 101.628, 102.114, and 102.424(g).

All pre-filed testimony and questions will be entered into the record as if read. *See* 35 Ill. Adm. Code 102.424(f). A brief introduction to or summary of the testimony will be allowed if a witness wishes to provide one before responding to questions. Participants wishing to offer a public comment during the hearing will be allowed to do so as time allows before the end of the hearing. Participants may also file post hearing comments. *See* 35 Ill. Adm. Code 102.108(b).

Service and Notice Lists

The hearing officer and Clerk's Office maintain a Notice List and Service List for this proceeding. *See* 35 Ill. Adm. Code 102.422(a), (b). The Notice List includes participants who wish to receive only the Board's opinions and orders and hearing officer orders. 35 Ill. Adm. Code 102.422(a). The Service List includes participants who expect to participate more actively and wish also to receive other filings such as pre-filed testimony and questions. *See* 35 Ill. Adm. Code 102.422(b). In addition, COOL provides links to documents filed with the Board, and those documents can be viewed, downloaded, and printed as soon as they are posted to the Board's website. Any person interested in being added to this docket's Notice List must contact Clerk's Office at 312-814-3461.

Notice of SIP Revision Submittal

On November 29, 2018, IEPA filed a motion that the hearing notice contain language required for the Illinois State Implementation Plan (SIP) revisions (Mot.). This request reiterates IEPA's request included in its Statement of Reasons (SR) that is part of docket's rulemaking proposal. IEPA notes that State of Illinois intends to submit proposed Part 204 and the relevant amendments to Parts 203 and 211 of the Board rules (35 Ill. Adm. Code Part 204, 203 and 211) to the United States Environmental Protection Agency (USEPA) as a SIP revision. Mot. at 2; SR at 4. IEPA asks that the public notice for proposed Part 204 and amendments to Parts 203 and 211 include the following language:

If adopted by the Board, the Illinois EPA will submit proposed Part 204 and amendments to Parts 203 and 211 to the United States Environmental Protection Agency (USEPA) for review and approval as a State Implementation Plan (SIP) revision to satisfy Clean Air Act (CAA) requirements regarding Prevention of Significant Deterioration. 42 U.S.C. §§7410(a)(2)(C) and 7471. The revisions submitted to USEPA will include not only the amendments to current regulatory provisions under this proposal, but also the newly created provisions, as well as an analysis demonstrating that the proposal does not interfere with attainment or maintenance of any applicable National Ambient Air Quality Standard, reasonable further progress, or any other applicable requirement of the CAA. This notice is

intended to satisfy the requirements of Section 110(l) of the CAA, 42 U.S.C. §7410(l), regarding public notice for SIP submittals. Mot. at 1-2; SR at 4.

The hearing officer directs the Clerk to include this language in the notice of the second hearing.

IT IS SO ORDERED.



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