

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)
)
AMENDMENTS TO) R18-20
35 ILL. ADM. CODE 225.233,) (Rulemaking – Air)
MULTI-POLLUTANT STANDARDS (MPS))

NOTICE

TO: Don Brown
Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph St., Suite 11-500
Chicago, IL 60601-3218

SEE ATTACHED SERVICE LIST

PLEASE TAKE NOTICE that I have today electronically filed with the Office of the Clerk of the Illinois Pollution Control Board the MOTION FOR EXTENSION OF TIME TO FILE POST-HEARING COMMENTS, a copy of which is herewith served upon you.

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

By: /s/ Antonette R. Palumbo
Antonette R. Palumbo
Assistant Counsel
Division of Legal Counsel

DATED: March 15, 2019

1021 North Grand Avenue East
P. O. Box 19276
Springfield, IL 62794-9276
217/782-5544

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NOW COMES Proponent, the Illinois Environmental Protection Agency (“Illinois EPA” or “Agency”), by its attorneys, and pursuant to 35 Ill. Adm. Code 101.522, respectfully submits this Motion for Extension of Time to File Post-Hearing Comments (“Motion”). In support of its Motion, the Illinois EPA states as follows:

1. On January 25, 2019, the Agency filed a Public Comment to apprise the Board of new developments in this rulemaking. P.C. #3250. The Board had previously made findings concerning this rulemaking and set forth regulatory language amending the Agency’s original proposal. Opinion and Order of the Board (October 4, 2018). The Board solicited comments regarding its proposal and asked participants to respond to several questions. *Id.* The Agency and other participants filed comments or testimony in response. Exhibits 48-50.

2. On January 29, 2019, the Board held its final hearing in this rulemaking. Transcript January 29, 2019, Public Hearing. At the end of the hearing, the rulemaking participants agreed to deadlines for post-hearing filings and final comments. At the request of the Agency, and with no objection from the participants, the deadline for public comments was set for March 15, 2019. Hearing Officer Order (February 4, 2019).

3. As set forth in the Agency’s Public Comment, the Agency was asked by the new administration to re-examine the Board’s proposal to determine if the requirements could be modified to further benefit the environment. In that re-examination, the Agency identified issues

that required further evaluation, as well as discussion with representatives of Vistra and the other rulemaking participants.

4. Over the past several weeks, the Agency has participated in numerous discussions with Vistra and the other rulemaking participants regarding various aspects of the Board's rule language. The Agency has worked diligently to finalize rule changes for proposal to the Board but needs additional time to do so. The Agency requests an extension of only two additional business days, until March 19, 2019, to complete its re-examination, further discuss with other parties, and file post-hearing comments/proposed rule amendments.

In light of the foregoing, it is necessary to extend the time to file post-hearing comments in this matter.

WHEREFORE, for the reasons set forth above, the Illinois EPA respectfully requests that the Board grant this Motion and extend the time to file post-hearing comments until March 19, 2019.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

By: /s/ Antonette R. Palumbo
Antonette R. Palumbo
Assistant Counsel
Division of Legal Counsel

/s/ Gina Roccaforte
Gina Roccaforte
Assistant Counsel
Division of Legal Counsel

DATED: March 15, 2019
1021 North Grand Avenue East
P. O. Box 19276
Springfield, IL 62794-9276
217/782-5544

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SERVICE LIST

Marie Tipsord
Mark Powell
Illinois Pollution Control Board
James R. Thompson Center
100 W. Randolph St., Suite 11-500
Chicago, IL 60601-3218
marie.tipsord@illinois.gov
mark.powell@illinois.gov

Renee Snow
General Counsel
Illinois Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271
renee.snow@illinois.gov

Faith Bugel
Attorney at Law
1004 Mohawk
Wilmette, IL 60091
fbugel@gmail.com

Stephen Sylvester
Illinois Attorney General's Office
69 West Washington Street, 18th Floor
Chicago, IL 60602
ssylvester@atg.state.il.us

Matthew J. Dunn, Chief
Environmental Enforcement/Asbestos
Litigation Division
Illinois Attorney General's Office
500 S. Second St.
Springfield, IL 62706
mdunn@atg.state.il.us

Katherine D. Hodge
HeplerBroom LLC
4340 Acer Grove Drive
Springfield, IL 62711
katherine.hodge@heplerbroom.com

Andrew Armstrong
Illinois Attorney General's Office
500 S. Second St.
Springfield, IL 62706
aarmstrong@atg.state.il.us

Amy C. Antonioli
Joshua R. More
Ryan Granholm
Caitlin Ajax
Schiff Hardin LLP
233 S. Wacker Drive, Suite 7100
Chicago, IL 60606
aantonioli@schiffhardin.com
jmore@schiffhardin.com
rgranholm@schiffhardin.com
cajax@schiffhardin.com

Greg Wannier
Staff Attorney, Sierra Club
2101 Webster St., Suite 1300
Oakland, CA 94612
greg.wannier@sierraclub.org

Katy Khayyat
Department of Commerce and
Economic Opportunity
Small Business Office
500 E. Monroe St.
Springfield, IL 62701
katy.khayyat@illinois.gov

Jean-Luc Kreitner
Justin Vickers
Environmental Law & Policy Center
35 E. Wacker Dr., Suite 1600
Chicago, IL 60601
jkreitner@elpc.org
jvickers@elpc.org