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STATE OF ILLINOIS
Pollution Control Board

ILLINOIS POLLUTION CONTROL BOARD
June 6, 2024

IN THE MATTER OF:)
)
AMENDMENTS TO 35 ILL. ADM. CODE) R 18-21
SUBTITLE B) (Rulemaking – Air)

NOTICE OF HEARINGS

On June 6, 2024, the Board proposed non-substantive amendments to its Subtitle B air pollution rules for public comment. The Board stated that it welcomed comment from any participant on any aspect of its proposal, and it specifically requested comment on a number of matters listed part-by-part in its opinion. The Board expects that participants may respond to these requests either by pre-filing testimony for hearing or by submitting written comments.

The Board intends to provide participants with time to review its proposal before holding hearings. The Board directed its hearing officer to proceed by scheduling hearings and setting deadlines including those for pre-filed testimony. After completing hearings and considering testimony and comments received, the Board intends to adopt a first-notice proposal.

DATES, TIMES, AND LOCATIONS:

Please note that, on both of the dates below, the Board will hold a regularly-scheduled Board meeting at 11:00 AM. If necessary, the Board will recess the hearing in time to conduct the meeting at 11:00 AM and then resume the hearing after the meeting adjourns.

FIRST HEARING: Thursday, October 3, 2024, beginning at 9:00 AM

Illinois Pollution Control Board Hearing Room 1244N, First Floor
1021 N. Grand Ave. E., Springfield (North Entrance)

SECOND HEARING: Thursday, November 7, 2024, beginning at 9:00 AM

Room N 505, Michael A. Bilandic Building
160 N. LaSalle Street, Chicago

PURPOSE OF HEARINGS: Merit and Economic
PRESIDING BOARD MEMBER: Michael D. Makowski
HEARING OFFICER: Timothy Fox

HEARING OFFICER ORDER

The Board will conduct two hearings to allow interested participants to testify and comment on the merits and economic impact of the proposed rule. *See* 415 ILCS 5/28(a) (2022); 35 Ill. Adm. Code 102.412(a).

Hearings and Pre-filed Testimony

Participants pre-filing testimony for either of the two hearings are directed to serve it on all persons on the Service List at the time of pre-filing. *See* 35 Ill. Adm. Code 102.424(c). Before filing any document with the Board's Clerk, please obtain the current version of the Service List through the Clerk's Office On-Line (COOL) on the Board's Web site (<https://pcb.illinois.gov/>) or by calling the Clerk's Office at 312-814-3461. Documents may generally be served by e-mail if the recipient has consented to e-mail service and has not revoked 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).

All persons wishing to testify at either hearing will be sworn in and subject to questioning. 35 Ill. Adm. Code 102.428(a). At both hearings, all pre-filed testimony will be entered into the record as if read. *See* 35 Ill. Adm. Code 102.424(f). A brief introduction or summary of the pre-filed testimony will be allowed if a witness wishes to provide one before responding to questions.

Unless the Board, hearing officer, Clerk, or procedural rules provides otherwise, all documents in this proceeding must be filed electronically through COOL. 35 Ill. Adm. Code 101.302(h), 101.1000(c), 101.Subpart J.

Participants wishing to offer a public comment will be allowed to do so as time allows before the end of a hearing. Participants may also file post-hearing comments electronically. *See* 35 Ill. Adm. Code 102.108(b).

First Hearing

Participants who intend to testify at the first hearing are directed to pre-file all of their testimony and related exhibits no later than Thursday, September 26, 2024. *See* 35 Ill. Adm. Code 102.424(a).

Although Section 27 of the Environmental Protection Act (Act) (415 ILCS 5/27 (2022)) does not set the order of the hearing, the hearing officer intends to begin the first hearing with witnesses who pre-filed testimony for it. *See* 35 Ill. Adm. Code 102.428(c). After those witnesses have testified and responded to questions, participants who did not pre-file testimony may testify as time allows.

Second Hearing

Participants who intend to testify at the second hearing are directed to pre-file all of their testimony and related exhibits no later than Thursday, October 31, 2024. *See* 35 Ill. Adm. Code 102.424(a).

The hearing officer intends to begin the second hearing with any participants who pre-filed testimony for the first hearing but were not able to testify and respond to questions before the end of that hearing. Next, participants who pre-filed testimony for the second hearing will

present that testimony and respond to questions. Participants who did not pre-file testimony for the second hearing will be allowed to testify and respond to questions as time permits. *See* 35 Ill. Adm. Code 104.424(g).

Economic Impact Study

Under Section 27(b)(1) of the Act (415 ILCS 5/27(b)(1) (2022)), the Board must request that the Department of Commerce and Economic Opportunity (DCEO) conduct a study of the economic impact of the proposed rules. Within 30 to 45 days of the request, DCEO may produce the study. In a letter dated June 6, 2024, the Board requested that DCEO perform the study.

Service and Notice Lists

The Board has established and will maintain both a Notice List and Service List for this proceeding. 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. *See* 35 Ill. Adm. Code 102.422(b).

Note that interested persons may request electronic notice of filings by providing an email address through COOL under this docket number R 18-21. Electronic notice includes notice of filing of documents that are not typically provided to persons on the Notice List. In addition, COOL provides links to documents filed with the Board, which can be viewed, downloaded, and printed free of charge as soon as they are posted to the Board's web site.

IT IS SO ORDERED.



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