

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:

PROPOSED CLEAN CAR AND
TRUCK STANDARDS

)
)
)
)
)

R2024-017

(Rulemaking – Air)

NOTICE OF FILING

TO:

Don Brown Clerk of the Board Illinois Pollution Control Board 60 East Van Buren Street, Suite 630 Chicago, Illinois 60605 don.brown@illinois.gov	Vanessa Horton & Carlie Leoni Hearing Officers Illinois Pollution Control Board 60 East Van Buren Street, Suite 630 Chicago, Illinois 60605 Vanessa.Horton@Illinois.gov Carlie.Leoni@Illinois.Gov
Renee Snow General Counsel Illinois Department of Natural Resources One Natural Resources Way Springfield, Illinois 62702-1271 renee.snow@illinois.gov	Caitlin Kelly Assistant Attorney General Office of the Attorney General 69 West Washington Street, Suite 1800 Chicago, Illinois 60602 Caitlin.Kelly@ilag.gov
Alec Messina HeplerBroom LLC 4340 Acer Grove Drive Springfield, Illinois 62711 Alec.Messina@heplerbroom.com	Gina Roccaforte & Dana Vetterhoffer Assistant Counsel / Deputy General Counsel Illinois Environmental Protection Agency 1021 North Grand Avenue East P.O. Box 19276 Springfield, Illinois 62794 Gina.Roccaforte@Illinois.gov dana.vetterhoffer@illinois.gov
Jason E. James Assistant Attorney General Office of the Attorney General 201 West Point Drive, Suite 7 Belleville, Illinois 62226 Jason.James@ilag.gov	Kara M. Principe Michael J. McNally Melissa L. Binetti Indiana Illinois Iowa Foundation for Fair Contracting 6170 Joliet Road, Suite 200 Countryside, Illinois 60525 kprincipe@iiffc.org mmcnally@iiffc.org mbinetti@iiffc.org

Please take notice that I have today filed with the Illinois Pollution Control Board the following documents: Rule Proponents' Unopposed Motion for Extension of Time and Certificate of Service.

Date: September 11, 2024

Respectfully submitted,

/s/

Robert A. Weinstock
ARDC # 6311441
Northwestern Pritzker School of Law
Environmental Advocacy Center
357 E. Chicago Ave.
Chicago, IL 60611
(312) 503-1457
robert.weinstock@law.northwestern.edu

Counsel for Chicago Environmental Justice Network and Respiratory Health Association

Albert Ettinger
ARDC # 3125045
7100 N. Greenview
Chicago, Illinois 60626
(773) 818-4825
Ettinger.Albert@gmail.com

Counsel for Sierra Club

Joe Halso
Jim Dennison
Sierra Club Environmental Law Program
1536 Wynkoop Street, Suite 200
Denver, Colorado 80202
(303) 454-3365
joe.halso@sierraclub.org
(435) 232-5784
jim.dennison@sierraclub.org

Nathaniel Shoaff
Sierra Club Environmental Law Program
2101 Webster Street, Suite 1300
Oakland, CA 94612
(415) 977-5610
Nathaniel.shoaff@sierraclub.org

Counsel for Sierra Club, Natural Resources Defense Council, Environmental Defense Fund, and Center for Neighborhood Technology

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)	
)	
)	R2024-017
PROPOSED CLEAN CAR AND)	
TRUCK STANDARDS)	(Rulemaking – Air)

RULE PROPONENTS' UNOPPOSED MOTION FOR EXTENSION OF TIME

Pursuant to 35 Ill. Adm. Code §§ 101.500(d) and 101.522, Sierra Club, Natural Resources Defense Council, Environmental Defense Fund, Respiratory Health Association, Chicago Environmental Justice Network, and Center for Neighborhood Technology (collectively, “Rule Proponents”), by and through their attorneys, move for an extension of time to file a response to the motions to dismiss filed by the Indiana, Illinois, Iowa Foundation for Fair Contracting on August 29, 2024, and by the Illinois Fuel and Retail Association on September 3, 2024. The current deadline of September 17, 2024, was set by a Hearing Officer order on September 4, 2024, based on the dates on which the motions were filed. Rule Proponents request that the response deadline be extended to October 1, 2024, two weeks later than the current deadline.

The Rule Proponents have conferred with all other interested participants whose counsel have entered appearances in this proceeding regarding this motion for an extension of time. Counsel for all parties, including those that filed motions to dismiss, indicated that they do not oppose this requested extension.¹ This is Rule Proponents’ first request for an extension of time in this proceeding.

¹ Counsel for the Illinois Department of Natural Resources did not respond to emails.

On September 4, 2024, in accordance with 35 Ill. Adm. Code § 101.500(d), the Hearing Officer issued an order setting September 17, 2024, as the deadline to file responses to both motions to dismiss. This deadline falls one day after the deadline to file Rule Proponents' pre-filed testimony. The Rule Proponents plan to file pre-filed testimony from nine witnesses.

Pursuant to 35 Ill. Adm. Code § 100.500(d), which allows parties to file motions for extensions of time to file a response, Rule Proponents hereby request a two-week extension, to October 1, 2024, to file a combined response to the motions to dismiss. Undersigned counsel must present an oral argument on cross-motions for summary judgement and testify before a committee of the Chicago City Council during the week leading up to the pre-filed testimony deadline. Given those obligations in other matters and the significant number of witnesses filing pre-filed testimony with a deadline just one day before the current deadline for responses to the motions to dismiss, there is good cause to grant an extension of time pursuant to 35 Ill. Adm. Code § 101.522. *See* Sierra Club v. Illinois EPA, PCB 15-189, at *1 (Oct. 7, 2015) (hearing officer order) (granting deadline extension for good cause where attorneys faced busy work schedules, including multiple deadlines in close proximity).

Granting the requested extension of time will not unduly delay this proceeding; indeed it need not delay the proceeding at all. Because replies are not allowed unless permitted by the Hearing Officer to prevent material prejudice, *see* 35 Ill. Adm. Code § 101.500(e), an October 1 response deadline will not affect any other parties' deadlines and will still allow the Board more than 60 days to rule on the motions to dismiss before the evidentiary hearing. The requested extension would also have no impact on other existing case deadlines, including the October 28, 2024, timeline for parties to submit pre-filed questions.

For the foregoing reasons, Rule Proponents respectfully request a two-week extension of time, to October 1, 2024, for responses to the two motions to dismiss.

Date: September 11, 2024

Respectfully submitted,

/s/

Robert A. Weinstock
ARDC # 6311441
Northwestern Pritzker School of Law
Environmental Advocacy Center
357 E. Chicago Ave.
Chicago, IL 60611
(312) 503-1457
robert.weinstock@law.northwestern.edu

*Counsel for Chicago Environmental Justice
Network and Respiratory Health Association*

Albert Ettinger
ARDC # 3125045
7100 N. Greenview
Chicago, Illinois 60626
(773) 818-4825
Ettinger.Albert@gmail.com

Counsel for Sierra Club

Nathaniel Shoaff
Sierra Club Environmental Law Program
2101 Webster Street, Suite 1300
Oakland, CA 94612
(415) 977-5610
Nathaniel.shoaff@sierraclub.org

Joe Halso
Jim Dennison
Sierra Club Environmental Law Program
1536 Wynkoop Street, Suite 200
Denver, Colorado 80202
(303) 454-3365

joe.halso@sierraclub.org
(435) 232-5784
jim.dennison@sierraclub.org

*Counsel for Sierra Club, Natural Resources Defense
Council, Environmental Defense Fund, and Center for
Neighborhood Technology*

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

)	
IN THE MATTER OF:)	
)	R2024-017
PROPOSED CLEAN CAR AND)	
TRUCK STANDARDS)	(Rulemaking – Air)

I, the undersigned, on affirmation state the following:

That I have served the attached Rule Proponents' Unopposed Motion for Extension of Time, including a Notice of Filing and this Certificate of Service, by e-mail upon the individuals listed on the foregoing Notice of Filing at the e-mail addresses indicated therein.

That my e-mail address is robert.weinstock@law.northwestern.edu.

That the number of pages in the e-mail transmission is 7.

That the e-mail transmission took place before 5:00 p.m. on the date of September 11, 2024.

Date: September 11, 2024

Respectfully submitted,

/s/

Robert A. Weinstock
ARDC # 6311441
Northwestern Pritzker School of Law
Environmental Advocacy Center
357 E. Chicago Ave.
Chicago, IL 60611
(312) 503-1457
robert.weinstock@law.northwestern.edu

*Counsel for Chicago Environmental Justice
Network and Respiratory Health Association*