

ILLINOIS POLLUTION CONTROL BOARD
August 29, 2000

NOTICE OF HEARINGS

IN THE MATTER OF:)
)
ENHANCED VEHICLE INSPECTION AND) R01-12
MAINTENANCE (I/M) REGULATIONS:) (Rulemaking - Air)
AMENDMENTS TO 35 ILL. ADM. CODE 240)
)

DATES, TIMES, AND PLACES:

FIRST HEARING: WEDNESDAY, OCTOBER 11, 2000

10:30 a.m.
Illinois Pollution Control Board Conference Room
James R. Thompson Center
100 West Randolph Street, Suite 11-500
Chicago, Illinois

SECOND HEARING: FRIDAY, OCTOBER 20, 2000

10:30 a.m.
Department of Transportation Class Room
Regional Headquarters Complex
1100 E. Port Plaza Drive
Collinsville, Illinois

PURPOSE OF HEARINGS: Merit and Economic

ATTENDING BOARD MEMBER: Chairman Claire A. Manning

HEARING OFFICER: Richard R. McGill, Jr.
(312) 814-6983

DATED: August 29, 2000

HEARING OFFICER ORDER

Background

On August 21, 2000, the Illinois Environmental Protection Agency (Agency) filed with the Board proposed amendments to the enhanced vehicle inspection and maintenance (I/M) regulations at 35 Ill. Adm. Code 240. The enhanced I/M program is designed to control air emissions from vehicles and it applies in the Chicago metropolitan and Metro-East St. Louis ozone nonattainment areas. The Board accepted this matter for hearing on August 24, 2000.

The Agency states that it is proposing the amendments “to enable Illinois to meet federal and state mandated enhanced emissions testing requirements.” Agency Statement of Reasons at 3. The Agency describes its proposed amendments as follows: delaying the implementation of “pass/fail” on-board diagnostic testing from January 1, 2001, to January 1, 2002; retaining current, more lenient “start-up” hydrocarbon and carbon monoxide emission standards for model year 1981 through model year 1986 light duty vehicles, light duty trucks 1, and light duty trucks 2; and adding several definitions, incorporating United States Environmental Protection Agency guidance by reference, eliminating outdated provisions, and clarifying certain provisions.

The Agency proposes to amend 35 Ill. Adm. Code 240 pursuant to Section 13B-20(a) of the Vehicle Emissions Inspection Law of 1995 (Vehicle Emissions Law) (625 ILCS 5/13B-20(a) (1998)). Because Section 13B-20(a) requires the Board to adopt rules within 120 days after it receives the Agency’s proposal, the Board, without commenting on the merits of the Agency’s proposal, proceeded by submitting the proposed amendments for publication in the *Illinois Register* as a proposal for public comment.

Section 13B-20(a) of the Vehicle Emissions Law states that Section 27(b) of the Environmental Protection Act (415 ILCS 5/27(b) (1998)) and the rulemaking provisions of the Administrative Procedure Act (5 ILCS 100/1-1 *et seq.* (1998)) “shall not apply to rules adopted by the Board under this subsection.” 625 ILCS 5/13B-20(a) (1998). Accordingly, the Board will not request that the Department of Commerce and Community Affairs conduct an economic impact study of the proposed amendments pursuant to Section 27(b) of the Environmental Protection Act. Nor will the Board submit the proposed amendments for first or second notice pursuant to Section 5-40 of the Administrative Procedure Act (5 ILCS 100/5-40 (1998)). The Board will, however, hold public hearings and accept public comment.

Public Hearings

Two hearings are presently scheduled for R01-12, as set forth above. The purpose of these hearings is to allow the Board to receive testimony from the Agency and other interested persons on the merits and economic impact of the proposal. At hearing, all persons who testify will be sworn and subject to questioning.

Public Comment

Anyone may file public comments. Public comments must be filed with the Clerk's office no later than Thursday, November 9, 2000. The "mailbox rule" set forth in 35 Ill. Adm. Code 101.102(d) does not apply to this filing. Accordingly, the Clerk's office must receive the public comment by 4:30 p.m. on the date of the deadline stated above. Public comments must be directed to the following address:

Office of the Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

If a person filing a public comment is on the service list (described below), that person also must simultaneously send a copy of the public comment to the persons on the service list. Because the service list may be modified from time to time, you should contact me or the Clerk's office to confirm that you have a copy of the current service list before filing a public comment.

In addition, public comments should reference the docket number of this rulemaking, R01-12, as well as the name, address, and affiliation, if any, of the commentator.

Notice List and Service List

The notice list for this rulemaking is the list of persons who wish to receive only the Board's opinions and orders and hearing officer orders. The service list is the list of persons who wish to actively participate in this proceeding and receive not only the above opinions and orders, but also various filings, including public comments. Persons on the service list must provide copies of documents they file with the Board to all other persons on the service list. The attached form must be completed and submitted to ensure that you are placed on either the notice list or the service list.

IT IS SO ORDERED.

Richard R. McGill, Jr.
Hearing Officer
Illinois Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601
(312) 814-6983