

NOTICE OF HEARINGS

IN THE MATTER OF: )  
 )  
PROPOSED AMENDMENTS TO 35 ILL. ) R01-16  
ADM. CODE 217.SUBPART V, ELECTRIC ) (Rulemaking – Air)  
POWER GENERATION )

DATES, TIMES AND PLACES:

FIRST HEARING TUESDAY, NOVEMBER 28, 2000  
TO BE CONTINUED DAY TO DAY UNTIL BUSINESS IS COMPLETE

11:00 A.M.  
James R. Thompson Center  
Room 9-040  
100 West Randolph Street  
Chicago, Illinois 60601

SECOND HEARING TUESDAY, DECEMBER 19, 2000  
TO BE CONTINUED DAY TO DAY UNTIL BUSINESS IS COMPLETE

11:00 A.M.  
James R. Thompson Center  
Room 9-040  
100 West Randolph Street  
Chicago, Illinois 60601

THIRD HEARING, IF NECESSARY, TUESDAY, JANUARY 2, 2001  
TO BE CONTINUED DAY TO DAY UNTIL BUSINESS IS COMPLETE

11:00 A.M.  
James R. Thompson Center  
Room 9-040  
100 West Randolph Street  
Chicago, Illinois 60601

PURPOSE OF HEARINGS: Merit and Economic  
ATTENDING BOARD MEMBER: Marili McFawn  
HEARING OFFICER: Bobb A. Beauchamp  
(312) 814-6926  
DATED: October 27, 2000 beauchab@ipcb.state.il.us

In compliance with the Americans With Disabilities Act and other applicable federal and State laws, the hearing will be accessible to individuals with disabilities. Persons requiring auxiliary aids should contact Dorothy Gunn, Clerk of the Board, 100 W. Randolph Street, Suite 11-500, Chicago, Illinois 60601, at telephone number 312/814-6931, fax number 312/814-3669, or TDD number 312/814-6032, five days prior to the hearing.

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HEARING OFFICER ORDER

This proposal was filed pursuant to Section 28.5 of the Environmental Protection Act (Act) (415 ILCS 5/28.5 (1998)). Section 28.5 provides for “fast-track” adoption of certain regulations necessary for compliance with the Clean Air Act Amendments of 1990 (CAA) (42 U.S.C. §§ 7401 et seq. (1990)). On October 19, 2000, the Board adopted for first-notice these rules proposed by the Illinois Environmental Protection Agency (Agency) on October 16, 2000. This proposal amends Subpart V of 35 Ill. Adm. Code 217: Electric Power Generation.

As more fully explained in the Board’s October 19, 2000 opinion, Section 107(a) of the CAA imposes on the State the primary responsibility for ensuring that Illinois meets the National Ambient Air Quality Standard (NAAQS) for ozone. This proposal will allow Illinois to submit control strategies necessary to demonstrate attainment of the 1-hour ozone NAAQS for the Metro-East/St. Louis moderate ozone nonattainment area (NAA), and satisfy Illinois’ obligation to submit adopted rules to USEPA.

Pursuant to the provisions of Section 28.5 of the Act, the Board is required to proceed, within set time-frames, toward the adoption of this regulation. The hearing dates, scope of the hearings, and deadlines for filing the requisite testimony are statutorily specified. The requirements of Section 28.5 of the Act are incorporated into the following instructions.

HEARING DATES

The Board has no discretion to adjust the stringent time-frames set forth in Section 28.5. Therefore, the starting dates of the three hearings will be as follows, and each will continue day to day until completed:

- FIRST HEARING will begin on November 28, 2000;
SECOND HEARING will begin on December 19, 2000;
THIRD HEARING will begin on January 2, 2001.

See the attached notice of hearings for further details concerning the location and starting time of each hearing. Please note that the Board intends to hold these hearings consecutively with those required in Proposed New 35 Ill. Adm. Code 217.Subpart U, Nox Control And Trading Program For Specified Nox Generating Units, Subpart X, Voluntary Nox Emissions Reduction Program, and Amendments to 35 Ill. Adm. Code 211 (October 19, 2000), R01-17. When the testimony for R01-16 is concluded, the Board will proceed with the hearing in the R01-17 rulemaking.

In compliance with the Americans With Disabilities Act and other applicable federal and State laws, the hearing will be accessible to individuals with disabilities. Persons requiring auxiliary aids should contact Dorothy Gunn, Clerk of the Board, 100 W. Randolph Street, Suite 11-500, Chicago, Illinois 60601, at telephone number 312/814-6931, fax number 312/814-3669, or TDD number 312/814-6032, five days prior to the hearing.

### SCOPE OF HEARINGS

The first hearing shall be confined to testimony by and questions of the Agency's witnesses (415 ILCS 5/28.5(g)(1)).

The second hearing, besides including economic impact considerations, shall be devoted to presentation of testimony, documents and comments by affected entities and all other interested parties (415 ILCS 5/28.5(g)(2)).

The third hearing may be canceled without further notice if the affected entities are in agreement on the rule and the United States Environmental Protection Agency has not informed the Board of any unresolved objection to the rule. The third hearing, if necessary, shall be devoted to any Agency response to material presented at the second hearing and to any response by other parties (415 ILCS 5/28.5(g)(3)).

The record closes 14 days after the availability of the transcript from the last hearing (415 ILCS 5/28.5(l)).

### NOTICE AND SERVICE LISTS

The list of interested persons who wish to receive only the Board's opinions and orders in this proceeding will be known as the "Notice List". Persons who wish to receive prefiled testimony will be listed on the "Service List". Please note that persons on the "Service List" are required to provide copies of any documents that they file with the Board to all other persons on the Service List.

### PREFILED TESTIMONY AND SERVICE

Section 28.5(g) of the Act mandates that the Board require the written submission of all testimony at least 10 days prior to a hearing, with the simultaneous service of testimony to all persons on the Service List as of 15 days prior to a hearing. Accordingly, the filing deadlines for prefiled testimony will be as follows:

First Hearing: The Service List for the first hearing will close as of 4:30 p.m., November 13, 2000. Persons interested in prefiling testimony may request a copy of the Service List by contacting the hearing officer after 9:00 a.m. on November 14, 2000.

All testimony must be filed with the Board and simultaneously served to all persons on the Service List no later than 4:30 p.m., November 17, 2000.

Second Hearing: The Service List for the second hearing will close as of 4:30 p.m., December 4, 2000. Persons interested in prefiling testimony may request a copy of the Service List by contacting the hearing officer after 9:00 a.m. on December 5, 2000.

All testimony must be filed with the Board and simultaneously served to all persons on the Service List no later than 4:30 p.m. on December 8, 2000.

Third Hearing: The Service List for the third hearing, if necessary, will close as of 4:30 p.m., December 18, 2000. Persons interested in prefilng testimony may request a copy of the Service List by contacting the hearing officer after 9:00 a.m. on December 19, 2000.

All testimony must be filed with the Board and simultaneously served to all persons on the Service List no later than 4:30 p.m. on December 22, 2000.

All prefled testimony will be taken as if read and marked as an exhibit to the proceedings. The hearings will be strictly limited to the scope identified by Section 28.5 consistent with the Board's resolution (see Res 92-2, October 29, 1992).

CONTACTING HEARING OFFICER

Bobb A. Beauchamp, the hearing officer in this case, may be contacted by phone at: (312)814-6926, or via e-mail at **beauchab@ipcb.state.il.us**.

IT IS SO ORDERED.

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Bobb A. Beauchamp  
Hearing Officer  
100 W. Randolph, 11-500  
Chicago, Illinois 60601

Entered: