

ORIGINAL

ILLINOIS POLLUTION CONTROL BOARD
April 20, 2007

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STATE OF ILLINOIS
Pollution Control Board

IN THE MATTER OF:)
)
NO_x EMISSIONS FROM STATIONARY) R07-18
RECIPROCATING INTERNAL) (Rulemaking - Air)
COMBUSTION ENGINES AND TURBINES:)
AMENDMENTS TO 35 ILL. ADM. CODE)
SECTION 201.146 AND PARTS 211 and 217)

NOTICE OF HEARINGS

DATES, TIMES, AND LOCATIONS:

FIRST HEARING:

MONDAY, MAY 21, 2007,
TO BE CONTINUED DAY TO DAY (WITH THE
EXCEPTION OF THE STATE MEMORIAL DAY
HOLIDAY ON MONDAY, MAY 28, 2007) UNTIL
BUSINESS IS COMPLETE

9:00 AM
Illinois Environmental Protection Agency Office Building
Training Room, 1214 West
1021 N. Grand Avenue East, North Entrance
Springfield, Illinois

SECOND HEARING (IF NECESSARY):

TUESDAY JUNE 19, 2007,
TO BE CONTINUED DAY TO DAY UNTIL
BUSINESS IS COMPLETE OR UNTIL FRIDAY,
JUNE 22, 2007

10:00 AM
Auditorium, Room C-500
Michael A. Bilandic Building
160 N. LaSalle St., Fifth Floor
Chicago, Illinois

AND RESUMING, IF NECESSARY, ON
MONDAY, JUNE 25, 2007 AND CONTINUING
DAY TO DAY UNTIL BUSINESS IS COMPLETE

10:00 AM
Room 9-031

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 and services should contact Dorothy Gunn, Clerk of the Board, at 100 West Randolph St., 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.

Section 28.5 requires a specific purpose for each hearing and establishes other procedural requirements.

Under Section 28.5 of the Act:

the first hearing “shall be confined to testimony by and questions of the Agency's witnesses concerning the scope, applicability, and basis of the rule.” 415 ILCS 5/28.5(g)(1) (2004).

the Board may cancel the second and third hearings if the Agency and affected entities agree on the rule, if the United States Environmental Protection Agency has not informed the Board of any unresolved objection to the rule, and if no other interested party contests the rule or seeks to present additional evidence. 415 ILCS 5/28.5(g)(1)(A) (2004).

“[w]ithin 7 days after the first hearing, any person may request that the second hearing be held.” 415 ILCS 5/28.5(g)(1) (2004).

the second hearing, if necessary, “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) (2004).

the third hearing, if necessary, “shall be devoted solely to any Agency response to the material submitted at the second hearing and to any response by other parties. The third hearing shall be cancelled if the Agency indicates to the Board that it does not intend to introduce additional material.” 415 ILCS 5/28.5(g)(3) (2004).

“[t]he Board shall require the written submission of all testimony at least 10 days before a hearing, with simultaneous service to all participants of record in the proceedings as of 15 days prior to hearing, unless a waiver is granted by the Board for good cause.” 415 ILCS 5/28.5(g) (2004).

“[f]ollowing the hearings, the Board shall close the record 14 days after the availability of the transcript.” 415 ILCS 5/28.5(l) (2004).

The Board has no discretion to adjust the strict deadlines set forth in Section 28.5 of the Act. *See* 415 ILCS 5/28.5 (2004). Therefore, the first hearing will go forward on Monday, May 21, 2007, and is not subject to continuation or cancellation. If the second and third hearings are necessary, both will begin on the dates set above in this order. At the second hearing, participants may comment on the economic determination made by the Department of Commerce and Economic Opportunity pursuant to Section 27(b) of the Act (415 ILCS 5/27(b) (2004)).

Notice and Service List

The Board will establish a notice list and a service list for this proceeding. All persons on the notice list will receive notice of all Board actions and hearing officer orders. 35 Ill. Adm. Code 102.422(a). Under Section 102.422(b) of the Board's procedural rules:

[t]he hearing officer may establish a service list for any regulatory proceeding, in addition to the notice list. The hearing officer may direct participants to serve copies of all documents upon the persons listed on the service list. * * * For purposes of fast-track rulemakings under Section 28.5 of the Act, participants of record will be the individuals on the service list. 35 Ill. Adm. Code 422(b).

In addition to receiving notice of Board actions and hearing officer orders, persons on the service list will also receive testimony and filings in the proceeding. The service list is reserved for persons who will be testifying and participating in the rulemaking. With the development of the Clerk's Office On-Line (COOL) and electronic filing through the Board's website (www.ipcb.state.il.us), all prefiled testimony, public comments, and other filings will be available for viewing and downloading. The only exception to this availability will be voluminous filings, which will be available on request. Furthermore, with the development of COOL, persons who are not on the service list and who wish to file only a public comment need not serve their comments on the service list in this proceeding.

To be placed on either the "Notice List" or the "Service List" contact the hearing officer at the e-mail address or telephone number below. Through the Board's COOL system, persons can request to receive e-notification, which automatically generates an email when the Board docket a filing in this proceeding. The e-notification system notifies participants of filings almost immediately, and the documents will be available for viewing, downloading, or printing.

Prefiling of Testimony

Section 28.5 of the Act sets forth strict deadlines for prefiling testimony:

[t]he Board shall require the written submission of all testimony at least 10 days before a hearing, with simultaneous service to all participants of record in the proceeding as of 15 days prior to the hearing, unless a waiver is granted by the Board for good cause. 415 ILCS 5/28.5(g) (2004).

Because each of the three hearings begins on a Monday, the 15th day before each of them falls on a Sunday. For purposes of serving prefiled testimony, the service list will close at 4:30 PM on those Sundays, even though the Board will not be open for business. Any person who submits an e-mail or fax request to be added to the service list to the hearing officer before 4:30 PM on those Sunday deadlines will be added to the service list. That service list will then be available from the hearing officer after 9:30 AM the next day.

Prefiled testimony for the first hearing must be served upon all persons on the service list as of 4:30 PM on Sunday, May 6, 2007. Persons may receive a copy of the service list by contacting

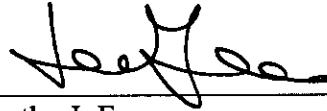
the hearing officer after 9:30 AM on Monday, May 7, 2007. All prefiled testimony for the first hearing must be submitted no later than Friday, May 11, 2007.

Prefiled testimony for the second hearing must be served upon all persons on the service list as of 4:30 PM on Sunday, June 3, 2007. Persons may receive a copy of the service list by contacting the hearing officer after 9:30 AM on Monday, June 4, 2007. All prefiled testimony for the second hearing must be submitted no later than Friday, June 8, 2007.

Prefiled testimony for the third hearing must be served upon all person on the service list as or 4:30 PM on Sunday, June 17, 2007. Persons may receive a copy of the service list by contacting the hearing officer after 9:30 AM on Monday, June 18, 2007. All testimony must be submitted no later than Friday, June 22, 2007.

For purposes of service of prefiled testimony on the Board for any of the three scheduled hearings, the mailbox rule of 35 Ill. Adm. Code 101.300(c) does not apply.

IT IS SO ORDERED.



Timothy J. Fox
Hearing Officer
Illinois Pollution Control Board
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