

ILLINOIS POLLUTION CONTROL BOARD
December 23, 2008

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STATE OF ILLINOIS
Pollution Control Board

IN THE MATTER OF:)
)
NITROGEN OXIDES EMISSIONS FROM) R08-19
VARIOUS SOURCE CATEGORIES:) (Rulemaking - Air)
AMENDMENTS TO 35 ILL. ADM. CODE)
PARTS 211 AND 217)

NOTICE OF HEARING

DATE, TIME, AND LOCATION:

TUESDAY, FEBRUARY 3, 2009

9:00 AM
Madison County Administration Building
County Board Room #203
157 N. Main St.
Edwardsville, Illinois

PURPOSE OF HEARING: Merit and Economic
ATTENDING BOARD MEMBER: Andrea S. Moore
HEARING OFFICER: Timothy J. Fox

HEARING OFFICER ORDER

On May 9, 2008, the Board received from the Illinois Environmental Protection Agency (Agency) a proposal to amend Parts 211 and 217 of the Board's regulations by controlling nitrogen oxides (NO_x) emissions from various sources. In an order dated June 5, 2008, the Board accepted the proposal and directed the hearing officer to proceed to hearing.

The Board has now held two hearings on the Agency's proposal. The first hearing took place on Tuesday, October 14, 2008, in Springfield, and the second hearing in Chicago began on Tuesday, December 9, 2008, and concluded on Wednesday, December 10, 2008.

The Board will conduct an additional hearing in order to receive testimony on the proposal and any participants' responses to questions raised on the record and reflected in the transcripts of the earlier hearings in this proceeding. At hearing, all persons who testify will be sworn in and subject to questioning. As indicated above in the notice of hearing, the additional hearing will take place on Tuesday, February 3, 2009, in Edwardsville.

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 John Therriault, Assistant 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.

Pre-Filing Deadlines

Participants who intend to testify at hearing are urged to pre-file their testimony and directed to serve any pre-filed testimony on the hearing officer and all persons on the Service List. Before filing pre-filed testimony or any other document with the Clerk, please check with the Board's Clerk to obtain the most recent version of the Service List.

Any participants wishing to testify at this additional hearing is directed to pre-file all of their testimony and any related exhibits no later than Tuesday, January 20, 2009.

The "mailbox rule" at 35 Ill. Adm. Code 101.300(b)(2) does not apply to the filing of any pre-filed testimony for this hearing. The Board's Clerk must receive these documents before the close of business on the specified date. Although documents may be filed electronically through the Clerk's Office On-Line (COOL) from the Board's Web site at www.ipcb.state.il.us, all electronic or approved fax filings must be received by the Clerk's Office no later than 4:30 PM on the due date. Any questions about electronic filing through COOL should be directed to the Clerk's Office at (312) 814-3629.

Order of Hearing

At this additional hearing, a brief summary of testimony will be allowed if a witness wishes to provide one before responding to questions. All pre-filed testimony will be entered into the record as if read. *See* 35 Ill. Adm. Code 102.424(f).

The Board will determine the order in which it will hear the testimony of witnesses who have prefiled testimony on February 3, 2009 before the hearings begins. Participants who do not pre-file testimony for this additional hearing will be allowed to testify as time permits after the conclusion of pre-filed testimony and questions based upon it.

Any participant who wishes to offer a public comment will be allowed to do so if time permits at the close of the testimony and questions based upon it. The Board's procedural rules also include an opportunity to file post-hearing comments. *See* 35 Ill. Adm. Code 102.108(b). The rules also provide that "[t]he Board will accept written comments from any person concerning the proposed regulations during the first notice period." 35 Ill. Adm. Code 102.604.


Service and Notice Lists

The Service List for this rulemaking is the list of persons who wish to participate actively in this proceeding and to receive not only the Board's opinions and orders but also other filings such as pre-filed testimony and public comments. The Notice List includes participants who wish to receive only the Board's opinions and orders and hearing officer orders.

Note that interested persons may now request electronic notice of filings by providing their e-mail address through COOL under this docket number R08-19. This electronic notice includes notice of the 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, and those documents

can be viewed, downloaded, and printed free of charge as soon as they are posted to the Board's Web site. For more information about the option of electronic notice or COOL, please consult either the Board's Web site at www.ipcb.state.il.us or John Therriault, the Board's Assistant Clerk, at (312) 814-3629.

IT IS SO ORDERED.



Timothy J. Fox
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