

ILLINOIS POLLUTION CONTROL BOARD
October 28, 2009

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**STATE OF ILLINOIS
Pollution Control Board**

IN THE MATTER OF:)
)
REASONABLY AVAILABLE CONTROL) R10-8
TECHNOLOGY (RACT) FOR VOLATILE) (Rulemaking - Air)
ORGANIC MATERIAL EMISSIONS FROM)
GROUP II CONSUMER & COMMERCIAL)
PRODUCTS: PROPOSED AMENDMENTS)
TO 35 ILL. ADM. CODE 211, 218, AND 219)

ORIGINAL

HEARING OFFICER ORDER

On July 9, 2009, the Illinois Environmental Protection Agency (Agency) filed a proposal to adopt air pollution regulations controlling emission of volatile organic material from Group II Consumer & Commercial Products in ozone nonattainment areas classified as moderate and above. Group II products include industrial cleaning solvents, flat wood paneling coatings, flexible packaging printing materials, lithographic printing materials, and letterpress printing materials. In an order dated August 6, 2009, the Board among other actions accepted the proposal for hearing.

In an order dated August 12, 2009, the hearing officer scheduled two hearings, the first beginning October 27, 2009, in Edwardsville, and the second beginning December 8, 2009, in Chicago. The order also set deadlines to pre-file testimony, questions, and answers for the first hearing. The order also specifically provided that “[p]re-filing deadlines for the second hearing will be determined at a later date.”

The first hearing took place as scheduled on October 27, 2009, and the Board expects to receive the transcript of that hearing by Friday, November 6, 2009. During the first hearing, the hearing officer set deadlines to pre-file testimony and questions for the second hearing.

Pre-Filing Deadlines

Participants who intend to testify at the second hearing are urged to pre-file their testimony. Participants pre-filing testimony and any related exhibits are directed to do so no later than Tuesday, November 17, 2009. To expedite the second hearing, participants are directed to pre-file questions based upon pre-filed testimony no later than Thursday, December 3, 2009.

The “mailbox rule” at 35 Ill. Adm. Code 101.300(b)(2) does not apply to the filing of any of pre-filed testimony or pre-filed questions, and the Board’s Clerk must receive these documents before the close of business on the specified dates. Although pre-filed testimony and pre-filed questions 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 day of the applicable deadline. Any

questions about electronic filing through COOL should be directed to the Clerk's Office at (312) 814-3629.

Participants are directed to serve pre-filed testimony and pre-filed questions on the hearing officer and all persons on the Service List. Before filing pre-filed testimony or pre-filed questions or any other document with the Clerk, please check with the hearing officer or the Clerk to obtain the most recent version of the Service List.

Order of Second Hearing

The hearing officer intends to begin the second hearing with pre-filed testimony. All pre-filed testimony will be entered into the record as if read. *See* 35 Ill. Adm. Code 102.424(f). A brief summary of testimony will be allowed if a witness wishes to provide one before responding to questions. Witnesses will then address any pre-filed questions. The hearing officer intends to allow any participant to ask follow-up questions and, after addressing pre-filed questions, to allow participants who have not pre-filed questions to ask them.

Participants who do not pre-file testimony will be allowed to testify as time permits after the conclusion of pre-filed testimony and questions based upon it. Consequently, any persons wishing to testify are urged to pre-file testimony in order to ensure that they have an opportunity to testify.

Any participant who wishes to offer a public comment at the second hearing will be allowed to do so if time permits at the close of 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.

IT IS SO ORDERED.



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