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ILLINOIS POLLUTION CONTROL BOARD

January 21, 2014

STATE OF ILLINOIS
Pollution Control Board

IN THE MATTER OF:)	
)	
STANDARDS AND LIMITATIONS FOR)	R14-19
CERTAIN SOURCES OF LEAD;)	(Rulemaking - Air)
PROPOSED 35 ILL. ADM. CODE 226)	

HEARING OFFICER ORDER

The first hearing in this docket took place as scheduled on Wednesday, January 8, 2014, in Chicago. During the first hearing, Mr. Rory Davis and Mr. David Bloomberg, both representing the Illinois Environmental Protection Agency (Agency), responded to questions of interested parties and the Board. The Board received the transcript of that hearing and posted the transcript to the Board's website on January 10, 2014. The Agency filed post-hearing comments which were made available on the Board's website on January 13, 2014.

Regarding hearings in "fast-track" rulemaking proceedings, Section 28.5(f) of the Environmental Protection Act (Act) requires the Board to initially set 3 hearings on the rulemaking proposal. 415 ILCS 5/28.5(f) (2012). However, Section 28.5(f)(1) of the Act provides that, "[w]ithin 7 days after the first hearing, any person may request that the second hearing be held." 415 ILCS 5/28.5(f)(1) (2012). In addition, Section 28.5(f)(1)(A) of the Act provides:

If, after the first hearing, the Agency and affected entities are in agreement on the rule, the United States Environmental Protection Agency has not informed the Board of any unresolved objection to the rule, and no other interested party contests the rule or asks for the opportunity to present additional evidence, the Board may cancel the additional hearings. 415 ILCS 5/28.5(f)(1)(A) (2012).

The Board has received no request for a second hearing either in person during the first hearing or by filing with the Board's Clerk. In addition, the United States Environmental Protection Agency has not informed the Board of any unresolved objection to the rule. Therefore, the second hearing scheduled for Wednesday, February 5, 2014 is cancelled.

The third hearing in a fast-track rulemaking proceeding is dedicated "solely to any Agency response to the material submitted at the second hearing and to any response by other parties," pursuant to Section 28.5(f)(3) of the Act. 415 ICLS 5/28.5(f)(3) (2012). Cancellation of the second hearing obviates the need for a third hearing in this matter, and the Board therefore cancels the third hearing scheduled for Wednesday, February 19, 2014.

Section 28.5(k) of the Act provides, "[f]ollowing the hearings, the Board shall close the record 14 days after the availability of the transcript." 415 ILCS 5/28.5(k) (2012). Accordingly, the Board will close the record in this matter on Friday, January 24, 2014. The "mailbox rule" (35 Ill. Adm. Code 101.300(b)(2)) does not apply to the filing of post hearing comments, and the

Board's Clerk must receive any post-hearing comments before the close of business on Friday, January 24, 2014. Documents may be filed electronically on the Board's website (www.ipcb.state.il.us) or as otherwise provided by Section 101.302 of the Board's procedural rules. 35 Ill. Adm. Code 101.302. Questions about filing comments in this rulemaking proceeding should be directed to the Clerk's Office at 312-814-3629.

IT IS SO ORDERED.



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