

ILLINOIS POLLUTION CONTROL BOARD

May 4, 2006

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STATE OF ILLINOIS
Pollution Control Board

IN THE MATTER OF:)
)
PROPOSED NEW 35 ILL. ADM. CODE 225) R06-25
CONTROL OF EMISSIONS FROM LARGE) (Rulemaking - Air)
COMBUSTION SOURCES (MERCURY))

NOTICE OF HEARINGS

DATES, TIMES, AND PLACES:

FIRST HEARING JUNE 12, 2006,
TO BE CONTINUED DAY TO DAY UNTIL BUSINESS IS COMPLETE OR UNTIL JUNE 23,
2006

1:00 p.m.
Illinois Environmental Protection Agency Office Building
Training Room, 1214 West
1021 N. Grand Avenue East, North Entrance
Springfield, IL

SECOND HEARING AUGUST 14, 2006,
TO BE CONTINUED DAY TO DAY UNTIL BUSINESS IS COMPLETE OR UNTIL AUGUST
25, 2006

1:00 p.m.
Assembly Hall, Concourse Level
James R. Thompson Center
100 W. Randolph
Chicago, IL

PURPOSE OF HEARINGS: Merit and Economic

ATTENDING BOARD MEMBERS: G. Tanner Girard
Andrea S. Moore

HEARING OFFICER: Marie E. Tipsord

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.

HEARING OFFICER ORDER

In an order issued today, the Board directed that this rulemaking proceed pursuant to the requirements of Section 27 of the Environmental Protection Act (Act) (415 ILCS 5/27 (2004)). The Board also rescinded the March 16, 2006 hearing officer scheduling order in this proceeding. The Board set two hearing dates for this proceeding and directed that the hearings be scheduled consistent with both the Board's order and the order of the circuit court of Sangamon County. The first day of the first hearing will be June 12, 2006, and the first day of the second hearing will be August 14, 2006. In this order I will set prefiling deadlines, establish the order by which the hearings will proceed, and address the April 28, 2006 hearing officer order.

Prefiling Deadlines

The Illinois Environmental Protection Agency (Agency) on April 27 and 28 prefiled testimony for the first hearing in this proceeding. The Agency need not file that testimony again for the June 12, 2006 hearing. However, as there are still over five weeks until the beginning of the June 12, 2006 hearing, I am directing that participants prefile questions for the Agency by May 19, 2006. Furthermore, under Section 27, the first hearing is not limited to the testimony of the proponent. Therefore, any person wishing to testify at the June 12, 2006 hearing should prefile their testimony by May 19, 2006.

Persons wishing to testify at the second hearing must prefile their testimony by July 17, 2006. Questions based on that prefiled testimony must be prefiled by July 31, 2006.

Schedule of Hearings

All testimony will be taken as if read and *brief* summaries will be allowed if a witness insists; however, I prefer we begin with cross-examination immediately. Persons who do not prefile will only be allowed to testify if time permits at the close of prefiled testimony. The same is true of anyone wishing to make an oral public comment. I urge anyone wishing to testify to prefile to ensure your ability to testify. As a reminder, anyone may file a written public comment with the Board.

The first day of hearing on June 12, and August 14, respectively, will begin at 1:00 PM. After the first days, the hearings will continue day-to-day beginning each day at 9 AM, unless specified otherwise by the hearing officer. The hearings will proceed until 5:00 PM day-to-day, unless otherwise specified by the hearing officer.

The hearing scheduled to begin on June 12, 2006 will begin with the Agency's presentation of its case. The first hearing will proceed, based on the Agency's technical support document as follows:

Chapter 1.0	Introduction
Chapter 2.0	Background Information on Mercury
Chapter 3.0	Mercury Impacts on Human Health
Chapter 4.0	Mercury Impaired Waters In Illinois
Chapter 5.0	Deposition of Mercury
Chapter 9.0	Economic Modeling
Chapter 6.0	Regulatory Activities - -Federal and other States
Chapter 7.0	Illinois Mercury Emissions Standards for Coal Fired Power Plants in Illinois
Chapter 8.0	Technical Feasibility of Controlling Mercury Emission from Coal Fired Power Plants in Illinois
Chapter 10.0	Other Relevant Issues and Additional Considerations

The Agency may change the order of the testimony prior to the start of the June 12 hearing. The Agency will tie the provisions of the technical support document to relevant sections of the proposed rule.

After the Agency has answered all questions and if time permits during the first hearing, other persons who have prefiled may testify. The Board has reserved two weeks for each hearing and anticipates that any person who wishes to testify will have ample time for testimony and any cross-examination. In the unlikely event that any person who prefiles testimony for the June 12 hearing cannot testify because time does not allow, that person will testify at the beginning of the August 14 hearing.

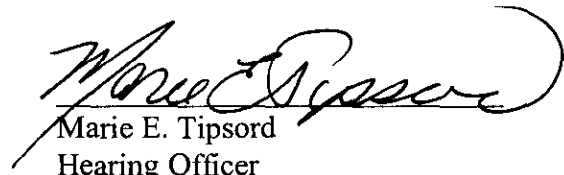
The August 14 hearing will begin with anyone who prefiled for the June 12 hearing who was not able to testify. Next will be those who support the Agency's proposal that have prefiled testimony. The participants who oppose the Agency's proposal in whole or in part will then present their prefiled testimony. Again, oral public comments will only be allowed after all testimony and cross-examination are completed. As stated before, written public comments may be submitted to the Board.

The hearing officer, upon agreement of the parties or upon motion to the hearing officer, may change the schedule and order of these hearings.

April 28, 2006 Hearing Officer Order

A pre-hearing conference was held in this matter on April 26, 2006, to discuss how to proceed with the hearings scheduled and to be held under Section 28.5 of the Act. On April 28, 2006, a hearing officer order was entered setting forth the decisions made at the pre-hearing conference. Because this rulemaking is now proceeding under Section 27 of the Act (415 ILCS 5/27 (2004)) and the prior schedule has been rescinded, it is appropriate to rescind the April 28, 2006 hearing officer order as well. Portions of the order that are relevant have been repeated in today's order. Therefore, the April 28, 2006 hearing officer order is rescinded.

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read "Marie E. Tipsord", is written over a horizontal line.

Marie E. Tipsord
Hearing Officer
Illinois Pollution Control Board
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Chicago, Illinois 60601
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