

ORIGINAL

ILLINOIS POLLUTION CONTROL BOARD  
June 28, 2006

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JUN 28 2006  
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) )

**HEARING OFFICER ORDER**

On June 12, 2006, the Board began holding hearings in this proceeding. The hearings continued until June 23, 2006. At the close of the hearing, a discussion was held with the participants concerning the deadlines for pre-filing of testimony and questions for the hearings scheduled to begin on August 14, 2006. In addition, the participants discussed a deadline for the filing of answers to questions addressed to Mr. Sid Nelson, Jr., which were not addressed during the first hearing. The participants and the hearing officer agreed on the following schedule:

1. Mr. Nelson's answers to be filed by July 10, 2006;
2. Prefiled testimony to be filed by July 24 and July 28, 2006;
3. Prefiled questions for the testimony filed July 24 must be filed by August 4, 2006; and
4. Prefiled questions for the testimony filed July 28 must be filed by August 7, 2006.

The mailbox rule does not apply and the materials must be filed with the Clerk's office on the deadline.

Also Section 27(b) of the Environmental Protection Act (Act) (415 ILCS 5/27(b) (2004)) requires the Board to request the Department of Commerce and Economic Opportunity (DCEO) to conduct an economic impact study (EcIS) on certain proposed rules prior to adoption of those rules. If DCEO chooses to conduct the EcIS, DCEO has 30 to 45 days after such request to produce a study of the economic impact of the proposed rules. The Board must then make the EcIS, or DCEO's explanation for not conducting the study, available to the public at least 20 days before a public hearing on the economic impact of the proposed rules.

In accordance with Section 27(b) of the Act, the Board requested, by letter dated May 10, 2006, that DCEO conduct an economic impact study for this rulemaking. On June 26, 2006, DCEO responded that DCEO does not "possess the economic modeling tools to fully produce" an EcIS on this rulemaking. The letter from DCEO has been docketed and is available on the Board's website at [www.ipcb.state.il.us](http://www.ipcb.state.il.us). The Board will accept comment on the decision not to perform an EcIS at the hearings beginning on August 14, 2006.

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  
100 West Randolph, Suite 11-500  
Chicago, Illinois 60601  
(312) 814-4925  
[tipsorm@ipcb.state.il.us](mailto:tipsorm@ipcb.state.il.us)