

ORIGINAL

ILLINOIS POLLUTION CONTROL BOARD

February 19, 2008

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STATE OF ILLINOIS
Pollution Control Board

IN THE MATTER OF:)
)
 SECTION 27 PROPOSED RULES FOR) R07-19
 NITROGEN OXIDE (NO_x) EMISSIONS) (Rulemaking - Air)
 FROM STATIONARY RECIPROCATING)
 INTERNAL COMBUSTION ENGINES AND)
 TURBINES: AMENDMENTS TO 35 ILL.)
 ADM. CODE PARTS 211 AND 217)

NOTICE OF HEARINGS

DATES, TIMES, AND LOCATIONS:

FIRST HEARING: WEDNESDAY, APRIL 9, 2008

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

CONTINUING, IF BUSINESS REMAINS AT THE END OF THE HEARING ON THAT DAY, ON THURSDAY, APRIL 10, 2008, AT 9:00 AM AT THE SAME LOCATION.

SECOND HEARING: WEDNESDAY, MAY 7, 2008

11:00 AM
 James R. Thompson Center
 Room 9-034
 100 W. Randolph St.
 Chicago, Illinois

CONTINUING, IF BUSINESS REMAINS AT THE END OF THE HEARING ON THAT DAY, ON THURSDAY, MAY 8, 2008, AT 9:00 AM AT THE SAME LOCATION.

PURPOSE OF HEARINGS: Merit and Economic

ATTENDING BOARD MEMBER: Andrea S. Moore

HEARING OFFICER: Timothy J. Fox

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.

HEARING OFFICER ORDER

On December 20, 2007, the Illinois Environmental Protection Agency (Agency) filed a motion to proceed with an amended rulemaking proposal. In that filing, the Agency moved that the hearing officer conduct a conference call with interested participants in order to determine hearing dates. In an order dated January 10, 2008, the Board granted the Agency's motion and directed the hearing officer to proceed to hearing on the amended proposal. In an order dated January 24, 2008, the hearing officer scheduled a February 14, 2008 conference call to schedule hearings and associated filing deadlines.

February 14, 2008 Participants' Conference Call

The following persons joined the hearing officer in the participants' conference call: Rachel Doctors of the Agency; Kathleen Bassi and Joshua More of Schiff Hardin LLP; N. LaDonna Driver of Hodge Dwyer Zeman; and Jim McCarthy of Innovative Environmental Solutions, Inc.

In the course of the conference call, the participants discussed with the hearing officer their availability for hearings and appropriate deadlines for pre-filing testimony. Those dates are set either in the notice of hearings above or in the following subsection.

The Board will conduct the two hearings in order to allow the Agency as proponent and any other interested participants the opportunity to present testimony on the merits and economic impact of the rulemaking proposal. At hearing, all persons who testify will be sworn in and subject to questioning. The Board will also receive any testimony on any economic impact study (EcIS) conducted by the Department of Commerce and Economic Opportunity (DCEO) on the proposed rules or on DCEO's decision not to perform an EcIS.

Pre-Filing Deadlines

Participants who intend to testify are urged to pre-file their testimony and to serve their 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 for the most recent version of the Service List with the hearing officer or the Clerk's Office.

Participants in the first hearing are directed to pre-file all of their testimony and any related exhibits no later than Wednesday, March 26, 2008. Under Section 27 of the Environmental Protection Act (415 ILCS 5/27 (2006)), the first hearing is not limited to the testimony of the proponent. But, the hearing officer intends to allow the Agency as proponent to present the testimony of all of its witnesses before hearing the testimony of other participants. Therefore, any person wishing to testify at the first hearing should pre-file their testimony by March 26, 2008. Participants wishing to testify at the second hearing are directed to pre-file all of their testimony and any related exhibits no later than Wednesday, April 23, 2008.

The "mailbox rule" at 35 Ill. Adm. Code 101.300(b)(2) does not apply to the filing of this pre-filed testimony for the two hearings. Accordingly, the Board's Clerk must receive these documents before the close of business on the specified dates. However, pre-filed testimony and other 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. Any questions about electronic filing through COOL should be directed to the Clerk's Office at (312) 814-3629.

Order of Hearings

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.

The hearing scheduled to begin on April 9, 2008, will begin with the Agency's presentation of its case as the proponent. After the Agency has answered all questions from other participants, and if time permits before the conclusion of the first hearing, other persons who have pre-filed testimony for the first hearing may testify. The Board has reserved two days for each hearing and anticipates that any person who wishes to testify at the first hearing will have an opportunity to do so. In the event that any person who pre-files testimony for the first hearing cannot testify during the first hearing because time does not allow it, that person will be given priority to testify on May 7, 2008.

The May 7, 2008 hearing will begin with any testimony from any participant who pre-filed testimony for the first hearing and who was not able to testify at that time. Participants who pre-filed testimony for the second hearing will then present that testimony. In the event that any person who pre-files testimony for the second hearing cannot testify on May 7, 2008, because time does not allow it, that person will be given priority to testify on May 8, 2008.

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. Any participant who wishes to offer a public comment at either hearing will be allowed to do so if time permits at the close of pre-filed testimony and the questions based upon it. Also, written public comments may be submitted to the Board. *See* 35 Ill. Adm. Code 102.604.

IT IS SO ORDERED.



Timothy J. Fox
Hearing Officer
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