

ILLINOIS POLLUTION CONTROL BOARD
March 10, 2009

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STATE OF ILLINOIS
Pollution Control Board

IN THE MATTER OF:)
)
AIR QUALITY STANDARDS CLEAN-UP:) R09-19
AMENDMENTS TO 35 ILL. ADM. CODE) (Rulemaking - Air)
PART 243)

NOTICE OF HEARING

DATE, TIME, AND LOCATION:

TUESDAY, APRIL 28, 2009

2:00 PM
Illinois Pollution Control Board Conference Room, First Floor
1021 N. Grand Ave. East
(North Entrance)
Springfield, Illinois

PURPOSE OF HEARING: Merit and Economic
ATTENDING BOARD MEMBER: Andrea S. Moore
HEARING OFFICER: Timothy J. Fox

HEARING OFFICER ORDER

On December 1, 2008, the Illinois Environmental Protection Agency (Agency) filed a proposal under the general rulemaking provisions of Sections 27 and 28 of the Environmental Protection Act (Act) (415 ILCS 5/27, 28 (2006)). Generally, the Agency proposed to amend Part 243 of the Board's air pollution regulations (35 Ill. Adm. Code 243) to incorporate new federal air quality standards. In an order dated December 18, 2008, the Board accepted the proposal and directed the hearing officer to proceed to hearing.

The Board has now held one hearing on the Agency's proposal. That hearing took place on Tuesday, March 10, 2009, in Chicago. As required by the Act, the Board will conduct a second hearing at the date, time, and location indicated above.

Pre-Filing Deadline

Participants who intend to testify at this hearing are urged to pre-file their testimony and are directed to serve any pre-filed testimony on the hearing officer and all persons on the Service

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.

List. Before filing pre-filed testimony or any other document with the Clerk, please check with the Board's Clerk to obtain the most recent version of the Service List.

Any participants wishing to pre-file testimony for this hearing are directed to pre-file all of their testimony and any related exhibits no later than Tuesday, April 14, 2009. The "mailbox rule" at 35 Ill. Adm. Code 101.300(b)(2) does not apply to the filing of any pre-filed testimony for this hearing. The Board's Clerk must receive these documents before the close of business on April 14, 2009. Although 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, all electronic or approved fax filings must be received by the Clerk's Office no later than 4:30 PM on April 14, 2009. Any questions about electronic filing through COOL should be directed to the Clerk's Office at (312) 814-3629.

Order of Hearing

The Board will determine the order for hearing testimony of witnesses who prefile testimony on April 28, 2009 before the hearing begins. 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.

Participants who do not pre-file testimony for this hearing will be allowed to testify as time permits after the conclusion of pre-filed testimony and questions based upon it. At hearing, all persons who testify will be sworn in and subject to questioning.

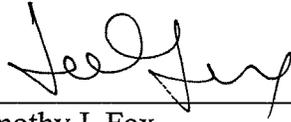
Any participant who wishes to offer a public comment will be allowed to do so if time permits at the close of the testimony and questions based upon it. The Board's procedural rules also include an opportunity to file post-hearing comments. *See* 35 Ill. Adm. Code 102.108(b). The rules also provide that "[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.

Service and Notice Lists

The Service List for this rulemaking is the list of persons who wish to participate actively in this proceeding and receive not only the Board's opinions and orders but also other filings such as pre-filed testimony and public comments. The Notice List includes participants who wish to receive only the Board's opinions and orders and hearing officer orders.

Note that interested persons may now request electronic notice of filings by providing their e-mail address through COOL under this docket number R09-19. This electronic notice includes notice of the filing of documents that are not typically provided to persons on the Notice List. In addition, COOL provides links to documents filed with the Board, and those documents can be viewed, downloaded, and printed free of charge as soon as they are posted to the Board's Web site. For more information about the option of electronic notice or COOL, please consult either the Board's Web site at www.ipcb.state.il.us or John Therriault, the Board's Assistant Clerk, at (312) 814-3629.

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read "Timothy J. Fox", written over a horizontal line.

Timothy J. Fox
Hearing Officer
Illinois Pollution Control Board
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Chicago, Illinois 60601
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