

ILLINOIS POLLUTION CONTROL BOARD  
January 11, 2010

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STATE OF ILLINOIS  
Pollution Control Board

IN THE MATTER OF: )  
)  
REASONABLY AVAILABLE CONTROL ) R10-10  
TECHNOLOGY (RACT) FOR VOLATILE ) (Rulemaking - Air)  
ORGANIC MATERIAL EMISSION FROM )  
GROUP III CONSUMER & COMMERCIAL )  
PRODUCTS: PROPOSED AMENDMENTS TO )  
35 ILL. ADM. CODE 218 AND 219 )

 ORIGINAL

**HEARING OFFICER ORDER**

The second hearing in this docket took place as scheduled on Wednesday, January 6, 2010, in Chicago. The Board received the transcript of that hearing (Tr.2) on Friday, January 8, 2010.

Section 28.5(f)(3) of the Environmental Protection Act (Act), regarding hearings in “fast-track” rulemaking proceedings, provides that

[t]he third hearing shall be scheduled to commence within 14 days after the first day of the second hearing and shall be devoted solely to the [Illinois Environmental Protection] Agency response to the material submitted at the second hearing and to any response by other parties. The third hearing shall be cancelled if the Agency indicates to the Board that it does not intend to introduce any additional material. Public Act 96-0308, eff. Aug. 11, 2009 (P.A. 96-0308) (reenacting repealed Section 28.5).

During the second hearing, the Agency indicated that it did not seek to offer a response and wished to have the Board cancel the third hearing. Tr.2 at 7-8. Accordingly, the third hearing scheduled to take place on January 20, 2010, is cancelled. *See* P.A. 96-0308 (Section 28.2(f)(3)).

Section 28.5(k) of the Act provides that, “[f]ollowing the hearings, the Board must close the record 14 days after the availability of the transcript.” P.A. 96-0308 (Section 28.5(k)). With the cancellation of the third hearing, the hearings in this proceeding concluded on Wednesday, January 6, 2010. On Friday, January 8, 2010, the Board received the transcript of the second and final hearing. Accordingly, the statutory 14-day comment period will close Friday, January 22, 2010.

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 22, 2010. Although documents may be filed electronically through the Clerk’s Office On-Line from the Board’s Web site ([www.ipcb.state.il.us](http://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 January 22, 2010. Questions about electronic filing should be directed to the Clerk's Office at 312-814-3629.

IT IS SO ORDERED.



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