

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:	)	
	)	
REVISION OF ENHANCED VEHICLE	)	R11-19
EMISSION INSPECTION AND	)	(Rulemaking – Air)
MAINTENANCE (I/M) REGULATIONS:	)	
AMENDMENTS TO 35 ILL. ADM. CODE	)	
240	)	

NOTICE

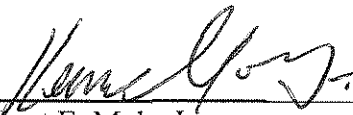
TO: John Therriault, Clerk Illinois Pollution Control Board James R. Thompson Center 100 West Randolph, Suite 11-500 Chicago, Illinois 60601	Matthew Dunn, Chief Division of Environmental Enforcement Office of the Attorney General James R. Thompson Center 69 West Washington, Suite 1800 Chicago, Illinois 60602
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Virginia Yang, Deputy Legal Counsel Illinois Department of Natural Resources One Natural Resources Way Springfield, IL 62702-1271	Timothy J. Fox Hearing Officer Illinois Pollution Control Board 100 W. Randolph St., Suite 11-500 Chicago, Illinois 60601
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PLEASE TAKE NOTICE that I have today filed with the Office of the Pollution Control Board the POST-HEARING COMMENTS OF THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, a copy of which is herewith served upon you.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY

By:   
Kent E. Mohr Jr.  
Assistant Counsel  
Division of Legal Counsel

DATED: March 3, 2011

1021 N. Grand Avenue East  
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**POST-HEARING COMMENTS OF THE ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY**

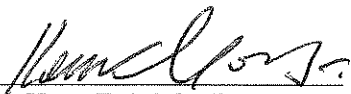
The ILLINOIS ENVIRONMENTAL PROTECTION AGENCY (“Illinois EPA”), by and through its attorney, hereby submits its post-hearing comments in the above rulemaking proceeding. The Illinois EPA has reviewed the transcript of the February 10, 2011, hearing and provides one clarification regarding the scrivener’s error made by the Joint Committee on Administrative Rules (“JCAR”). The Illinois EPA filed this rulemaking on December 8, 2010. As part of that filing and among other amendments, the Illinois EPA proposed to repeal the terms “loaded mode or” within the definition of “preconditioning mode” in Section 240.102. On December 27, 2010, the Illinois Secretary of State’s Office (“SOS”) submitted a letter to the Pollution Control Board (Board) indicating that the rule would be published in the Illinois Register at 35 Ill. Reg. 129 (January 3, 2011), and included a copy of the proposed rule. On January 20, 2011, JCAR submitted a 1<sup>st</sup> Notice version of the proposed rule to the Board. As the Illinois EPA stated at the February 10, 2011, hearing, JCAR’s 1<sup>st</sup> Notice version of the proposed rule mistakenly omitted the Illinois EPA’s proposed repeal of the terms “loaded mode or.” The Illinois EPA clarifies that the version of the proposed rule published in the Illinois Register (35 Ill. Reg. 129 (January 3, 2011)) does contain this scrivener’s error. However, the version of the

proposed rule included with SOS's December 27, 2010, letter does not contain this scrivener's error.

Again, the Illinois EPA requests and recommends that the Board address this issue with JCAR and have the scrivener's error corrected to ensure a clean adoption of the proposed rule.

Respectfully Submitted,

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY

By: 

Kent E. Mohr Jr.  
Assistant Counsel  
Division of Legal Counsel

DATED: March 3, 2011

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STATE OF ILLINOIS                    )  
  )  
COUNTY OF SANGAMON            )                    SS

CERTIFICATE OF SERVICE

I, the undersigned, an attorney, state that I have served electronically the attached POST-HEARING COMMENTS OF THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY upon the following persons:


John Therriault, Clerk  
Illinois Pollution Control Board  
James R. Thompson Center  
100 West Randolph St., Suite 11-500  
Chicago, Illinois 60601

Matthew Dunn, Chief  
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PROTECTION AGENCY

By:   
Kent E. Mohr Jr.  
Assistant Counsel  
Division of Legal Counsel

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