

ILLINOIS POLLUTION CONTROL BOARD  
August 4, 2011

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**STATE OF ILLINOIS**  
**Pollution Control Board**

IN THE MATTER OF: )  
)  
AMENDMENTS TO 35 ILL. ADM. CODE, ) R12-8  
PART 223 STANDARDS AND ) (Rulemaking - Air)  
LIMITATIONS FOR ORGANIC MATERIAL )  
EMISSIONS FOR AREA SOURCES )

**NOTICE OF HEARINGS**

DATE, TIME, AND LOCATION:

THURSDAY, OCTOBER 6, 2011

9:00 AM  
Illinois Pollution Control Board Conference Room, First Floor  
1021 N. Grand Ave. East  
(North Entrance)  
Springfield, Illinois

THURSDAY, NOVEMBER 17, 2011

1:00 PM  
Illinois Pollution Control Board Conference Room 11-512  
James R. Thompson Center  
100 W. Randolph St.  
Chicago, Illinois

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

**HEARING OFFICER ORDER**

On July 13, 2011, the Illinois Environmental Protection Agency (Agency) filed a proposal to amend Part 223 of the Board's air pollution regulations. *See* 35 Ill. Adm. Code 223. The Agency stated that it proposed amendments in order to reduce volatile organic material (VOM) emissions from various consumer products and aerosol coatings.

The Board will conduct two hearings in order to allow the Agency and any other interested participants the opportunity to present testimony on the merits and economic impact of the proposal. *See* 415 ILCS 5/28(a) (2010). At hearing, all persons wishing to testify will be sworn in and subject to questioning. 35 Ill. Adm. Code 102.424(f), 102.428(a), (b). 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. *See* 415 ILCS 5/27(b) (2010).

### **Pre-Filing Deadlines**

Participants who intend to testify at hearing are urged to pre-file their testimony and are directed to serve pre-filed testimony on all persons on the Service List. *See* 35 Ill. Adm. Code 102.424(c). Before filing pre-filed testimony or any other document with the Clerk, please check with the Clerk to obtain the most recent version of the Service List.

Participants who wish to testify at the first hearing are directed to pre-file all of their testimony and any related exhibits no later than Thursday, September 22, 2011. *See* 35 Ill. Adm. Code 102.424(a). Participants who wish to testify at the second hearing are directed to pre-file all of their testimony and any related exhibits no later than Thursday, November 3, 2011. The "mailbox rule" at 35 Ill. Adm. Code 101.300(b)(2) does not apply to the filing of any of this pre-filed testimony, and the Board's Clerk must receive these documents before the close of business on these deadlines. However, 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](http://www.ipcb.state.il.us). 35 Ill. Adm. Code 101.302(d). Any questions about electronic filing through COOL should be directed to the Clerk's Office at (312) 814-3629.

### **Order of Hearing**

Although Section 27 of the Act (415 ILCS 5/27 (2010)) does not limit the first hearing to the testimony of the proponent, the hearing officer intends to begin the first hearing with the Agency's presentation of its proposal. *See* 35 Ill. Adm. Code 102.428(c). After the Agency has addressed all questions from other participants, and if time permits before the conclusion of the first hearing, other participants who have pre-filed testimony may then testify and respond to questions. Participants who do not pre-file testimony for the first hearing will be allowed to testify and respond to questions as time permits after the conclusion of pre-filed testimony and questions based upon it. For the first hearing, all 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 officer intends to begin the second hearing with any participants who pre-filed testimony for the first hearing and were not able to testify at that time. Participants who pre-filed testimony for the second hearing will then present that testimony and respond to questions. Participants who do not pre-file testimony for the second hearing will be allowed to testify and respond to questions as time permits after the conclusion of pre-filed testimony and questions based upon it. As at the first hearing, all testimony pre-filed for the second hearing will also be entered into the record as if read. *See* 35 Ill. Adm. Code 102.424(f). A brief summary of pre-filed testimony will be allowed if a witness wishes to provide one before responding to questions.

Participant wishing to offer a public comment at either hearing will be allowed to do so if time permits at the close of the testimony and questions. The Board's procedural rules also include an opportunity to file post-hearing comments. *See* 35 Ill. Adm. Code 102.108(b).

### **Service and Notice Lists**

The hearing officer will establish and maintain both a Notice List and a Service List for this proceeding. *See* 35 Ill. Adm. Code 102.422(a), (b). The Notice List includes participants who receive copies only of the Board's opinions and orders and hearing officer orders. 35 Ill. Adm. Code 102.422(a). The Service List for this rulemaking is the list of persons who receive not only the Board's opinions and orders but also other filings such as pre-filed testimony. *See* 35 Ill. Adm. Code 102.422(b).

Note that interested persons may now request electronic notice of filings by providing their e-mail address through COOL under this docket number R12-8. 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](http://www.ipcb.state.il.us) or John Therriault, the Board's Assistant Clerk, at (312) 814-3629.

IT IS SO ORDERED.



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