

ILLINOIS POLLUTION CONTROL BOARD
September 29, 2011

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STATE OF ILLINOIS
Pollution Control Board

EXXONMOBIL OIL CORPORATION,)
)
Petitioner,)
)
v.) PCB 11-86
) PCB 12-46
ILLINOIS ENVIRONMENTAL) (cons.)
PROTECTION AGENCY,) (Variance – Air)
)
Respondent.)
)

ORIGINAL

HEARING REPORT

On September 19, 2011, a hearing in the above-captioned matter was held in the Village Offices of Bolingbrook, Board Room, 375 W. Briarcliff Road, Bolingbrook, Illinois 60440. Hearing Officer Bradley P. Halloran presided. Anand Rao, from the Illinois Pollution Control Board's Technical Unit, was present.

Attorney Monica T. Rios appeared and participated on behalf of the petitioner, ExxonMobil Oil Corporation (ExxonMobil). Attorneys Gina Roccaforte and Robert J. Kaleel appeared and participated on behalf of the respondent, Illinois Environmental Protection Agency (Agency).

Preliminary Matters

On September 21, 2011, ExxonMobil, citing Section 101.306 of the Board's procedural rules, filed a Motion to Incorporate Hearing Transcripts from R11-24 Rulemaking before the Board. The hearing transcripts are attached and marked as Exhibit 1 and Exhibit 2. These hearings were held on June 2 and June 28, 2011. In the Matter of: Nitrogen Oxides Emissions, Amendments to 35 Ill. Adm. Code Part 217, (R11-24 & R11-26) (Consolidated) (June 2 and 28, 2011). The petitioner states that the Rulemaking modifies the date of compliance with the requirements of various Subparts of 35 Ill. Adm. Code Part 217, Nitrogen Oxides Emissions, which is at issue here. Mot. at 1. The petitioner states that the Agency has no objection. Mot. at 3.

Finding that the transcripts to be incorporated are relevant, the petitioner's motion is granted. The Motion to Incorporate with the attached transcripts will be marked as petitioner's Exhibit 8.

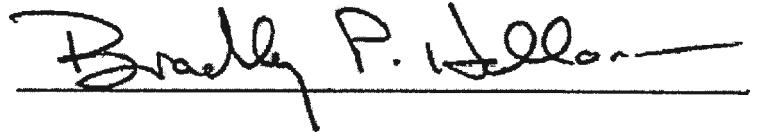
Exhibits

The petitioner offered exhibits into evidence at the hearing. An exhibit list itemizing the offered exhibits and summarizing their status is attached to this order. It is noted that petitioner's Exhibit 1, the pre-filed testimony of Robert Elvert, petitioner's Exhibit 2, the pre-filed testimony of Doug Deason, and petitioner's Exhibit 3, the pre-filed testimony of Dan Stockl, were admitted into the record as if read.

Briefing Schedule

A post-hearing briefing schedule was discussed and agreed to at the hearing. The petitioner's opening brief must be filed on or before October 7, 2011. The respondent's responsive brief must be filed on or before October 17, 2011. Petitioner's reply must be filed on or before October 24, 2011. Public Comment must be filed on or before October 11, 2011. The record closes on October 24, 2011. The mailbox rule does not apply to any of the post-hearing briefs, responses or replies, including Public Comments, and all electronic or approved telefax filings must be received by the Clerk's office no later than 4:30 p.m. of the due date.

IT IS SO ORDERED.

A handwritten signature in black ink, reading "Bradley P. Halloran", is written over a horizontal line.

Bradley P. Halloran
Hearing Officer
Illinois Pollution Control Board
James R. Thompson Center, Suite 11-500
100 W. Randolph Street
Chicago, Illinois 60601
312.814.8917

PCB 11-86 & 12-46 (cons.)
September 19, 2011 Hearing

Exhibit List

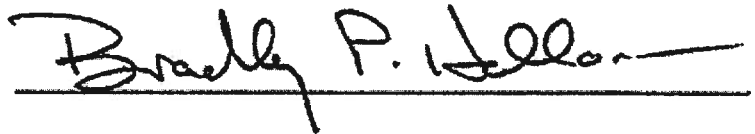
Exhibit	Description	Status
Petitioner's Exhibit 1	Pre-filed Testimony of Robert Elvert	Admitted
Petitioner's Exhibit 2	Pre-filed Testimony of Doug Deason	Admitted
Petitioner's Exhibit 3	Pre-Filed Testimony of Dan Stockl	Admitted
Petitioner's Exhibit 4	Letter dated September 2, 2011 from the Executive Office of the President to Administrator Jackson	Admitted
Petitioner's Exhibit 5	Table re: Possible Classification Thresholds	Admitted
Petitioner's Exhibit 6	Table re: Possible Ozone Standard Timelines	Admitted
Petitioner's Exhibit 7	Letter dated March 9, 2011 from the USEPA to Laurel Kroack of the IEPA	Admitted
Petitioner's Exhibit 8	Petitioner's Motion to Incorporate Hearing Transcripts from R11-24 Rulemaking with attached hearing transcripts from June 2 and June 28, 2011.	Admitted

CERTIFICATE OF SERVICE

It is hereby certified that true copies of the foregoing order were mailed, first class, on September 29, 2011, to each of the persons on the service list below.

It is hereby certified that a true copy of the foregoing order was hand delivered to the following on September 29, 2011:

John T. Therriault
 Illinois Pollution Control Board
 James R. Thompson Center
 100 W. Randolph St., Ste. 11-500
 Chicago, Illinois 60601



Bradley P. Halloran
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