

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)
)
REGULATORY RELIEF MECHANISMS) R18-18
PROPOSED NEW 35 ILL. ADD. CODE) (Rulemaking-Procedural)
PART 104, SUBPART E)

NOTICE OF FILING

To:

Don Brown, Clerk of the Board
Illinois Pollution Control Board
James R. Thompson Center, Suite 11-500
100 W. Randolph Street
Chicago, Illinois 60601
don.brown@illinois.gov
(VIA ELECTRONIC MAIL)

Marie Tipsord, Hearing Officer
Illinois Pollution Control Board
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100 W. Randolph Street
Chicago, Illinois 60601
marie.tipsord@illinois.gov
(VIA ELECTRONIC MAIL)

(SEE PERSONS ON ATTACHED SERVICE LIST)

PLEASE TAKE NOTICE that I have today electronically filed with the Office of the Clerk of the Pollution Control Board a MOTION FOR CLARIFICATION, a copy of which is herewith served upon you.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL PROTECTION
AGENCY

Dated: March 6, 2018

1021 N. Grand Ave. East
P.O. Box 19276
Springfield, Illinois 62794
217-782-5544

By: /s/ Sara G. Terranova
Sara G. Terranova
Assistant Counsel
Division of Legal Counsel
sara.terranova@illinois.gov

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)
)
REGULATORY RELIEF MECHANISMS) R18-18
PROPOSED NEW 35 ILL. ADD. CODE) (Rulemaking-Procedural)
PART 104, SUBPART E)

MOTION FOR CLARIFICATION

NOW COMES the Illinois Environmental Protection Agency (Agency or Illinois EPA), by and through one of its attorneys, Sara G. Terranova, hereby submits its Motion for Clarification with respect proposed Section 104.525(b)(3). In support thereof, the Illinois EPA states at follows:

1. On February 8, 2018, the Illinois Pollution Control Board (Board) proceeded to second notice review in the above captioned matter.

2. The Board accepted the Agency's proposed rules with a few modifications. *See* R18-18 Opinion and Order of the Board: Proposed Rule; Second Notice (February 8, 2018) at 19.

3. Specifically, the Board accepted the Agency's modification to the Section 104.525(b)(3) as proposed in Public Comment 18 at 12. *See Id.* at 5. However, the Agency's proposed modification is not reflected in the Board's Addendum to the Board's Order of February 8, 2018.

4. The Agency proposed the following modification to Section 104.525(b)(3):

“if the person fails to file an amended petition to address the Board’s non-substantial compliance determination under Section 104.545 by the deadline established under Section 104.540, the Board will dismiss the original petition and the stay continues all rights to judicial review are

exhausted.”

5. It is unclear to the Agency if the Board intends to proceed with the Agency’s proposed modification to Section 104.525(b)(3) or if the Board intends to proceed with the language as provided in the Board’s Addendum to the Board Order of February 8, 2018.

WHEREFORE, the Illinois EPA respectfully requests the Board provide clarification if the Board intends to proceed with the Agency’s proposed modification to Section 104.525(b)(3) or if the Board intends to proceed with the language as provided in the Board’s Addendum to the Board Order of February 8, 2018.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL PROTECTION
AGENCY

Dated: March 6, 2018

1021 N. Grand Ave. East
P.O. Box 19276
Springfield, Illinois 62794
217-782-5544

By: /s/ Sara G. Terranova
Sara G. Terranova
Assistant Counsel
Division of Legal Counsel
sara.terranova@illinois.gov

CERTIFICATE OF SERVICE

I, Sara G. Terranova, Assistant Counsel for the Illinois EPA, herein certify that I have served a copy of the Notice of Filing and the Motion for Clarification upon persons listed on the Service List by electronic filing with the Illinois Pollution Control Board on March 6, 2018.

ILLINOIS ENVIRONMENTAL PROTECTION
AGENCY

Dated: March 6, 2018

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P.O. Box 19276
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By: /s/ Sara G. Terranova
Sara G. Terranova
Assistant Counsel
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SERVICE LIST (R18-18)

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