

ILLINOIS POLLUTION CONTROL BOARD
February 27, 2018

IN THE MATTER OF:)
)
AMENDMENTS TO 35 ILL. ADM. CODE) R18-20
225.233, MULTI-POLLUTANT) (Rulemaking - Air)
STANDARDS (MPS))

NOTICE OF HEARING

DATES, TIMES, AND PLACES:

April 16, 2018, Oral Public Comment

4 p.m. to 8 p.m.
Sangamo Room
Illinois Environmental Protection Agency
1021 N. Grand Avenue East
North Entrance, off of Converse Street
Springfield, IL

April 17, 2018, Testimony and if necessary Oral Public Comment

11:00 a.m.
Sangamo Room
Illinois Environmental Protection Agency
1021 N. Grand Avenue East
North Entrance, off of Converse Street
Springfield, IL

PURPOSE OF HEARINGS: Merit and Economic

ATTENDING BOARD MEMBERS: Katie Papadimitriu

HEARING OFFICER: Marie E. Tipsord

HEARING OFFICER ORDER

Today, dates are set for additional hearings in this proceeding. The first day of hearing April 17, 2018, is exclusively to hear oral public comment. April 17, 2018, is scheduled to conclude any testimony remaining after the March 6 and 7, 2018, hearings in Edwardsville; and if necessary, to allow for additional oral public comment.

In compliance with the Americans with Disabilities Act and other applicable federal and State laws, the hearing will be accessible to individuals with disabilities. Persons requiring auxiliary aids and services should contact Don Brown, Clerk of the Board, at 100 West Randolph St., Suite 11-500, Chicago, Illinois 60601, at telephone number 312/814-6931, fax number 312/814-3669, or TDD number 312/814-6032, five days prior to the hearing.

Oral Public Comment

The Board rules contain no provisions that require the Board to permit oral public comment in rulemakings or contested cases. The only place that refers to oral public comments can be found in Section 101.628(c), which states: “Oral public comment *may* be made on the record at a hearing and is not subject to cross-examination.” 35 Ill. Adm. Code 101.628(c) (emphasis added). Part 102, which sets forth requirements for rulemaking proceedings, includes no reference to oral public comment. Rather, the Board’s rules include extensive provisions for written public comment.

Nonetheless, on January 17, and 18, 2018, oral public comment was allowed at the hearing in this proceeding. Specific times were set aside, and members of the public were given limited time to express their comments. This time was given for public comment even though the prefiled testimony and questions for all witnesses had not concluded.

In addition, to the remaining testimony from January, for the March 6, and 7, 2018, hearings, new testimony was prefiled and participants filed additional information and responses to testimony from the January 17, and 18, 2018, hearings. Prefiled questions are due on March 2, 2018.

Several individuals have contacted the hearing officer asking about time to be set aside for public comment in Edwardsville, on March 6, and 7, 2018. Similarly, a request to extend the hours of the hearing to allow for public comment was denied. The Board received a public comment also asking that specific time be set aside to allow for public comment in Edwardsville (PC 2160).

A cursory review of the testimony, responses, and remaining questions, raises concerns that completion of testimony and cross-examination may not be possible in Edwardsville. In an attempt to complete testimony, no time will be specifically set aside for public comment prior to the commencement of the hearings on March 6, and 7, 2018. Rather an additional hearing for the sole purpose of accepting public comment is scheduled. However, if testimony is completed before the close of hearing on March 7, 2018, and persons present wish to offer public comments, they will be heard, as time allows.

After careful consideration, and in an attempt to secure space for evening hearings, the hearings will be held in Springfield. While none of the facilities covered by this rulemaking proposal are in Sangamon County, several of the facilities at issue are within one to two hours of Springfield. Also, at least one day of hearings will be scheduled at a time with the Illinois General Assembly is in session to allow for any additional comment from legislators.

Procedures for Offering Public Comment in April

Interested persons wishing to offer public comment in April should email the hearing officer by April 13, 2018. If the commenter is available only on the second day, the request to offer comment should indicate that availability.

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A sign-up sheet will be placed at the back of the room on April 16, 2018, and persons who arrive at the room will be allowed to sign-up until 5 p.m.

On April 17, 2018, the hearing will begin by completing testimony and then proceeding to those who have indicated a desire to offer public comment.

The time allowed for each commenter will be limited based on the number of persons who sign-up to speak. The hearing on April 16 will close at 8 p.m., even if there are persons present who could not offer comment. The hearing on April 17 will adjourn no later than 4 p.m. and may adjourn earlier if no other persons wish to comment or no other witnesses must testify.

Written Public Comment

Written public comment may be filed with the Board at any time until the conclusion of the comment period. That date will be announced by hearing officer order after the close of hearings. If you have any questions regarding written public comment you may contact the hearing officer or the Clerk of the Board.

Availability of Filings

All filings in this proceeding will be available on the Board's web page at www.ipcb.state.il.us and participants may file electronically on the Board's web page. The prefiled testimony and prefiled questions must be served on the persons on the service list.

IT IS SO ORDERED.



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