

ILLINOIS POLLUTION CONTROL BOARD

August 21, 2024

IN THE MATTER OF: )  
 )  
PROPOSED CLEAN CAR AND TRUCK ) R24-17  
STANDARDS: PROPOSED 35 ILL. ADM. ) (Rulemaking – Air)  
CODE 242 )  
 )

**NOTICE OF HEARING**

DATE, TIME, AND LOCATIONS:

FIRST HEARING: December 2 and 3, 2024, from 10 a.m. to 5 p.m.

BY VIDEOCONFERENCE BETWEEN

Michael A. Bilandic Building  
160 N. LaSalle St., Room C-500  
Chicago

and

Illinois Department of Transportation  
Hanley Building, Auditorium  
2300 S. Dirksen Parkway  
Springfield

ATTENDING BOARD MEMBERS:

Barbara Flynn Currie  
Jennifer Van Wie

HEARING OFFICERS:

Vanessa Horton  
Carlie Leoni

## **HEARING OFFICER ORDER**

On June 27, 2024, the Sierra Club, Natural Resources Defense Council, Environmental Defense Fund, Respiratory Health Association, Chicago Environmental Justice Network, and Center for Neighborhood Technology (collectively, Proponents) proposed that the Board adopt a new Part 242 of its air pollution rules. The proposal included proponents' Statement of Reasons (SR). The Proponents described the purpose of the new rule is "to reduce damaging air pollution from light-, medium- and heavy-duty vehicles in Illinois". SR at 9.

The Board will conduct two hearings to allow the Proponents and any other interested participants to testify and comment on the merits and economic impact of the proposed rule. *See* 415 ILCS 5/28(a) (2022); 35 Ill. Adm. Code 102.412(a).

The Board's procedural rules provide that "[a]ny Board hearing may be held by videoconference." The rules list factors that hearing officers consider when determining whether to hold a hearing by videoconference. 35 Ill. Adm. Code 101.600(b).

The Board expects that its videoconference facilities will accommodate attendance and participation at these hearings. Additionally, videoconference hearings would reduce the time and cost of travel for the Board and hearing participants. Having considered these factors, the Board concludes to conduct both of the required hearings by videoconference between Chicago and Springfield. 35 Ill. Adm. Code 101.600(b).

### **First Hearing**

The first hearing will deal solely with the Proponents' testimony. Included within the Proponents' initial proposal was pre-filed testimony from two of its witnesses. A deadline has been set for September 16, 2024, for filing the remainder of the witnesses' pre-filed testimony. To expedite the first hearing, participants who have questions based on pre-filed testimony are urged to pre-file those questions by October 28, 2024. Proponents' answers to those questions are due by November 18, 2024.

Members of the public wishing to offer in-person oral public comment will be allowed to do so as time allows on December 2, 2024, from 1 p.m. to 2 p.m. Members of the public may also file written public comments electronically. *See* 35 Ill. Adm. Code 102.108(b). The Board weighs oral and written comments equally.

### **Second Hearing**

The focus of the second hearing will be testimony from other interested parties. The hearing officer will issue an order after the conclusion of the first hearing setting the dates for the second hearing as well as setting dates for pre-filed testimony, questions and answers.

## **Department of Commerce and Economic Opportunity (DCEO)**

In a letter dated July 11, 2024, the Board's Chair requested that DCEO conduct an economic impact study of the proposed rule and respond to the request by August 26, 2024. At the second hearing, the Board will receive testimony on any response received by DCEO. *See* 415 ILCS 5/27(b) (2022).

### **Motion to Dismiss**

In the August 13, 2024, hearing officer order, a deadline was set for filing any motion to dismiss. As that date falls on a Sunday, the deadline has been changed to Tuesday, September 3, 2024.

### **Pre-filed Testimony**

Participants pre-filing testimony for either of the two hearings are directed to serve it on all persons on the Service List at the time of pre-filing. *See* 35 Ill. Adm. Code 102.424(c). Before filing any document with the Board's Clerk, please obtain the current version of the Service List through the Clerk's Office On-Line (COOL) on the Board's website (<https://pcb.illinois.gov>) or by calling the Clerk's Office at (312) 814-3461. Documents may generally be served by e-mail if the recipient has consented to e-mail service and has not revoked consent. 35 Ill. Adm. Code 101.1060. Participants in this rulemaking are encouraged to provide consent to e-mail service of documents. *See* 35 Ill. Adm. Code 101.1070(a).

All persons wishing to testify at either hearing will be sworn in and subject to questioning. 35 Ill. Adm. Code 102.428(a). At both hearings, all pre-filed testimony will be entered into the record as if read. *See* 35 Ill. Adm. Code 102.424(f). A brief introduction or summary of the pre-filed testimony will be allowed if a witness wishes to provide one before responding to questions.

For these videoconference hearings, the Board's rules require that any document to be offered as a hearing exhibit must be received by the Clerk's Office at least 24 hours before the scheduled start of the hearing. 35 Ill. Adm. Code 102.424(h). If not filed at least 24 hours before the scheduled start of the videoconference hearing, the document will not be admitted as an exhibit at the hearing but may be filed as a public comment after the hearing. *Id.*

Unless the Board, hearing officer, Clerk, or procedural rules provide otherwise, all documents in this proceeding must be filed electronically through COOL. 35 Ill. Adm. Code 101.302(h), 101.1000(c), 101.Subpart J.

### **Service and Notice Lists**

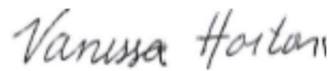
The Board has established and will maintain both a Notice List and a Service List for this proceeding. The Notice List includes participants who wish to receive only the Board's opinion

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) 814-3620, fax number (312) 814-3669, or TDD number (866) 323-1677, five days prior to the hearing.

and orders and hearing officer orders. 35 Ill. Adm. Code 102.422(a). The Service List includes participants who expect to participate more actively and wish to also receive other filings such as pre-filed testimony. *See* 35 Ill. Adm. Code 102.422(b).

Note that any interested person may request electronic notice of filings by providing an e-mail address through COOL under this docket number R24-17. This electronic notice includes notice of filing 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 website.

IT IS SO ORDERED.



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