

NOTICE OF HEARINGS

IN THE MATTER OF:)
)
PROPOSED NEW 35 ILL. ADM. CODE 217,) R01-9
SUBPART W, THE NOX TRADING) (Rulemaking - Air)
PROGRAM FOR ELECTRICAL GENERATING)
UNITS, AND AMENDMENTS TO)
35 ILL. ADM. CODE 211 AND 217)

DATES, TIMES AND PLACES:

FIRST HEARING TO BE CONTINUED DAY TO DAY UNTIL BUSINESS IS COMPLETE MONDAY, AUGUST 28, 2000

1:00 P.M.
City Hall Chambers
Municipal Center West
300 South Seventh Street
Springfield, Illinois 62757

SECOND HEARING TO BE CONTINUED DAY TO DAY UNTIL BUSINESS IS COMPLETE TUESDAY, SEPTEMBER 26, 2000

9:30 A.M.
James R. Thompson Center
Room 9-031
100 West Randolph Street
Chicago, Illinois 60601

THIRD HEARING, IF NECESSARY, TO BE CONTINUED DAY TO DAY UNTIL BUSINESS IS COMPLETE TUESDAY, OCTOBER 10, 2000

1:00 P.M.
James R. Thompson Center
Illinois Pollution Control Board Hearing Room
11th Floor
100 West Randolph Street
Chicago, Illinois 60601

PURPOSE OF HEARINGS: Merit and Economic

ATTENDING BOARD MEMBER: Dr. Ronald C. Flemal

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 should contact Dorothy Gunn, Clerk of the Board, 100 W. Randolph Street, 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.

HEARING OFFICER: Catherine F. Glenn
(312) 814-6923

DATED: July 17, 2000

HEARING OFFICER ORDER:

This proposal was filed pursuant Section 28.5 of the Environmental Protection Act (Act) (415 ILCS 5/28.5 (1998)). Section 28.5 provides for "fast-track" adoption of certain regulations necessary for compliance with the Clean Air Act Amendments of 1990 (CAA) (42 U.S.C. §§ 7401 *et seq.* (1990)). As detailed in the Board's July 13, 2000, first-notice opinion and order, on July 11, 2000, the Environmental Protection Agency (Agency) filed a proposal to add a new Subpart W to 35 Ill. Adm. Code 217, and amend 35 Ill. Adm. Code 211 and 217.

Section 107(a) of the CAA imposes on the State the primary responsibility for ensuring that Illinois meet the National Ambient Air Quality Standard (NAAQS) for ozone. The State is required to submit a state implementation plan (SIP) that specifies emission limitations, controls, and other measures necessary for the attainment, maintenance, and enforcement of the NAAQS in this State. This proposal will allow Illinois to submit control strategies necessary to demonstrate attainment of both the 1-hour ozone NAAQS for the Metro-East/St. Louis moderate ozone nonattainment area (NAA) and the 1-hour ozone NAAQS for the Lake Michigan severe ozone NAA. Additionally, the proposal will allow Illinois to satisfy a portion of Illinois' obligation to submit a SIP to address the requirements of the NOx SIP Call, 63 Fed. Reg. 57356 (Oct. 27, 1998), and also to meet applicable requirements of Section 9.9 of the Act.

Pursuant to the provisions of Section 28.5 of the Act, the Board is required to proceed, within set time-frames, toward the adoption of this regulation. Section 28.5 of the Act also establishes specific purposes for each hearing, and other procedural requirements. The following are specified requirements under Section 28.5 of the Act:

The first hearing shall be confined to testimony by and questions of the Agency's witnesses.

The second hearing, besides including economic impact considerations, shall be devoted to presentation of testimony, documents and comments by affected entities and all other interested parties.

The third hearing may be canceled without further notice if the affected entities are in agreement on the rule and the United States Environmental Protection Agency has not informed the Board of any unresolved objection to the rule.

The third hearing, if necessary, shall be devoted to any Agency response to material presented at the second hearing and to any response by other parties.

Written submission of testimony at least 10 days prior to a hearing and the simultaneous service of testimony to all persons who are listed on the service list at least 15 days prior to hearing is required.

The record closes 14 days after the availability of the transcript from the last hearing.

The Board has no discretion to adjust the stringent time-frames set forth in Section 28.5. Therefore, the first hearing will go forward on August 28, 2000 and is not subject to cancellation or continuation. The second hearing will also go forward on the set date. The third hearing will go forward on the set date if the hearing is necessary.

The list of interested persons who wish to receive only the Board's opinions and orders in this proceeding will be known as the " Notice List" . Persons who wish to receive prefiled testimony will be listed on the " Service List" . Please note that persons on the " Service List" are required to provide copies of various documents which they file with the Board to all other persons on the " Service List" .

Pursuant to Section 28.5(g) of the Act, prefiled testimony for the first hearing will be served upon all persons on the service list 15 days prior to hearing, or as of 4:30 p.m., August 11, 2000. Persons may receive a copy of the service list by contacting the hearing officer after 8:30 a.m. on August 14, 2000.

All testimony must be filed with the Board no later than 10 days prior to the first hearing, or as of 4:30 p.m., August 18, 2000.

Pursuant to Section 28.5 (g) of the Act, prefiled testimony for the second hearing will be served upon all persons on the service list 15 days prior to hearing, or as of 4:30 p.m., September 11, 2000. Persons may receive a copy of the service list by contacting the hearing officer after 8:30 a.m. on September 12, 2000. All testimony must be filed with the Board no later than 10 days prior to the second hearing, or as of 4:30 p.m., September 15, 2000.

Pursuant to Section 28.5 (g) of the Act, prefiled testimony for the third hearing shall be served upon all persons on the service list 15 days prior to hearing, or as of 4:30 p.m., September 25, 2000. Persons may receive a copy of the service list by contacting the hearing officer after 8:30 a.m. on September 26, 2000. All testimony must be filed with the Board no later than 10 days prior to the third hearing, or as of 4:30 p.m., September 29, 2000.

All prefiled testimony will be taken as if read and marked as an exhibit to the proceedings. The hearings will be strictly limited to the scope identified by Section 28.5 consistent with the Board's resolution (see Res 92-2, October 29, 1992).

IT IS SO ORDERED.

Catherine F. Glenn
Hearing Officer

Entered: July 17, 2000