

NOTICE OF HEARINGS

IN THE MATTER OF:)	
)	
PROPOSED NEW 35 ILL. ADM. CODE)	R01-17
217.SUBPART U, NO _x CONTROL AND)	(Rulemaking – Air)
TRADING PROGRAM FOR SPECIFIED)	
NO _x GENERATING UNITS, SUBPART X,)	
VOLUNTARY NO _x EMISSIONS)	
REDUCTION PROGRAM, AND)	
AMENDMENTS TO 35 ILL. ADM. CODE)	
211)	

DATES, TIMES AND PLACES:

FIRST HEARING WEDNESDAY, NOVEMBER 29, 2000
TO BE CONTINUED DAY TO DAY UNTIL BUSINESS IS COMPLETE

9:30 A.M.
James R. Thompson Center
Room 9-040
100 West Randolph Street
Chicago, Illinois 60601

SECOND HEARING WEDNESDAY, DECEMBER 20, 2000
TO BE CONTINUED DAY TO DAY UNTIL BUSINESS IS COMPLETE

9:30 A.M.
James R. Thompson Center
Room 2-025
100 West Randolph Street
Chicago, Illinois 60601

THIRD HEARING, IF NECESSARY, WEDNESDAY, JANUARY 3, 2001
TO BE CONTINUED DAY TO DAY UNTIL BUSINESS IS COMPLETE

9:30 A.M.
James R. Thompson Center
Room 9-040
100 West Randolph Street
Chicago, Illinois 60601

PURPOSE OF HEARINGS: Merit and Economic

ATTENDING BOARD MEMBER: Marili McFawn

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:

Bobb A. Beauchamp
(312) 814-6926
beauchab@ipcb.state.il.us

DATED:

October 27, 2000

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IN THE MATTER OF:)	
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PROPOSED NEW 35 ILL. ADM. CODE)	R01-17
217.SUBPART U, NO _x CONTROL AND)	(Rulemaking – Air)
TRADING PROGRAM FOR SPECIFIED)	
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HEARING OFFICER ORDER

This proposal was filed pursuant to 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)). On October 19, 2000, the Board adopted for first-notice these rules proposed by the Illinois Environmental Protection Agency (Agency) on October 16, 2000. This proposal adds new Subparts U and X, 35 Ill. Adm. Code 217, and amends 35 Ill. Adm. Code 211 and 217.

As more fully explained in the Board’s October 19, 2000 opinion, Section 107(a) of the CAA imposes on the State the primary responsibility for ensuring that Illinois meets the National Ambient Air Quality Standard (NAAQS) for ozone. This proposal will allow Illinois to satisfy a portion of Illinois’ obligation to submit a state implementation plan (SIP) to address the requirements of the NO_x 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. The hearing dates, scope of the hearings, and deadlines for filing the requisite testimony are statutorily specified. The requirements of Section 28.5 of the Act are incorporated into the following instructions.

HEARING DATES

The Board has no discretion to adjust the stringent time-frames set forth in Section 28.5. Therefore, the starting dates of the three hearings will be as follows, and each will continue day to day until completed:

- FIRST HEARING will begin on November 29, 2000;
- SECOND HEARING will begin on December 20, 2000;
- THIRD HEARING will begin on January 3, 2001.

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.

See the attached notice of hearings for further details concerning the location and starting time of each hearing. Please note that the Board intends to hold these hearings consecutively with those required in Proposed Amendments to 35 Ill. Adm. Code 217.Subpart V, Electric Power Generation (October 19, 2000), R01-16. When the testimony for the R01-16 rulemaking is concluded, the Board will proceed with the hearing in R01-17.

SCOPE OF HEARINGS

The first hearing shall be confined to testimony by and questions of the Agency's witnesses (415 ILCS 5/28.5(g)(1)).

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 (415 ILCS 5/28.5(g)(2)).

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 (415 ILCS 5/28.5(g)(3)).

The record closes 14 days after the availability of the transcript from the last hearing (415 ILCS 5/28.5(l)).

NOTICE AND SERVICE LISTS

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 any documents that they file with the Board to all other persons on the Service List.

PREFILED TESTIMONY AND SERVICE

Section 28.5(g) of the Act mandates that the Board require the written submission of all testimony at least 10 days prior to a hearing, with the simultaneous service of testimony to all persons on the Service List as of 15 days prior to a hearing. Accordingly, the filing deadlines for prefiled testimony will be as follows:

First Hearing: The Service List for the first hearing will close as of 4:30 p.m., November 14, 2000. Persons interested in prefiling testimony may request a copy of the Service List by contacting the hearing officer after 9:00 a.m. on November 15, 2000.

All testimony must be filed with the Board and simultaneously served to all persons on the Service List no later than 4:30 p.m., November 17, 2000.

Second Hearing: The Service List for the second hearing will close as of 4:30 p.m., December 5, 2000. Persons interested in prefiling testimony may request a copy of the Service List by contacting the hearing officer after 9:00 a.m. on December 6, 2000.

All testimony must be filed with the Board and simultaneously served to all persons on the Service List no later than 4:30 p.m. on December 8, 2000.

Third Hearing: The Service List for the third hearing, if necessary, will close as of 4:30 p.m., December 19, 2000. Persons interested in prefiling testimony may request a copy of the Service List by contacting the hearing officer after 9:00 a.m. on December 20, 2000.

All testimony must be filed with the Board and simultaneously served to all persons on the Service List no later than 4:30 p.m. on December 22, 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).

CONTACTING HEARING OFFICER

Bobb A. Beauchamp, the hearing officer in this case, may be contacted by phone at: (312)814-6926, or via e-mail at **beauchab@ipcb.state.il.us**.

IT IS SO ORDERED.

Bobb A. Beauchamp
Hearing Officer
100 W. Randolph, 11-500
Chicago, Illinois 60601

Entered: