

ILLINOIS POLLUTION CONTROL BOARD

April 8, 2024

IN THE MATTER OF: )  
 )  
AMENDMENTS TO 35 ILL. ADM. CODE ) R 23-18(A)  
201, 202, AND 212 ) (Rulemaking - Air)  
 )  
 )

**HEARING OFFICER ORDER**

On October 26, 2023, the Illinois Attorney General's Office (AG) filed a motion requesting a third hearing in this sub-docket. On November 16, 2023, the Board granted the AG's motion requesting a third hearing.

The hearing officer scheduled the third hearing for April 15, 2024, with a deadline of March 15, 2024, to file responses to the Illinois Environmental Protection Agency's (IEPA) request for information and any pre-filed testimony.

On March 15, 2024, the following participants filed responses to IEPA's request for information: Dynegy Midwest Generation LLC (Dynegy) and Midwest Generation LLC (MWG); American Petroleum Institute and Citgo Petroleum Corporation; Rain CII Carbon LLC (Rain Carbon); and East Dubuque Nitrogen Fertilizers LLC. Also on March 15, 2024, Dynegy and MWG jointly filed the testimony of Stephen K. Norfleet and Rain Carbon filed the testimony of Bryan Higgins.

On March 22, 2024, Dynegy and MWG jointly filed a final comment in response to IEPA's request for information and filed the supplemental testimony of Stephen K. Norfleet.

On April 2, 2024, IEPA filed the testimony of Rory Davis.

The hearing officer also directed participants to pre-file questions based on that testimony by April 8, 2024.

The Board and its staff have reviewed the testimony and submit the question listed in the attachment to this order. Any participant may respond to the attached question or submit a comment.

All filings in this proceeding will be available on the Board's website at [pcb.illinois.gov](http://pcb.illinois.gov) under this docket number R 23-18(A). Unless the Board, hearing officer, Clerk or procedural rules provide otherwise, all documents in this proceeding must be filed electronically through the Clerk's Office On-Line (COOL). 35 Ill. Adm. Code 101.302(h), 101.1000(c), 101.Subpart J.

IT IS SO ORDERED.

A handwritten signature in cursive script, reading "Chloe Salk".

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Chloe Salk, Hearing Officer  
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**Attachment to Hearing Officer Order of April 8, 2024**  
**R23-18(A): Amendments to 35 Ill. Adm. Code 201, 202, and 212**

1. On March 1, 2024, the United States Court of Appeals for the District Of Columbia Circuit issued an order concerning USEPA's 2015 SSM SIP Call<sup>1</sup>. The Board directs IEPA and the participants to comment on any implications of that court order on the Board rules adopted in the main docket as well the proposed rules in Subdocket A.

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[https://www.cadc.uscourts.gov/internet/opinions.nsf/ED1C5CA17B6004BC85258AD30057A53E/\\$file/15-1239-2043030.pdf](https://www.cadc.uscourts.gov/internet/opinions.nsf/ED1C5CA17B6004BC85258AD30057A53E/$file/15-1239-2043030.pdf)