

ILLINOIS POLLUTION CONTROL BOARD
July 30, 2024

IN THE MATTER OF:)
)
AMENDMENTS TO 35 ILL. ADM. CODE) R25-17
217, NITROGEN OXIDES EMISSIONS) (Rulemaking - Air)

NOTICE OF HEARING

DATES, TIMES, AND LOCATIONS:

FIRST HEARING: Thursday, September 26, 2024, beginning at 10:00 AM

BY VIDEOCONFERENCE BETWEEN

MADISON COUNTY CIRCUIT COURT
Third Floor
155 N. Main Street
Edwardsville, IL 62025

BOARD SPRINGFIELD HEARING ROOM
Conference Room 1244N, 1st Floor
1021 N. Grand Ave. E.
North Entrance

SECOND HEARING: Thursday, November 21, 2024, beginning at 10:00 AM

BY VIDEOCONFERENCE BETWEEN

BOARD HEARING ROOM
Room N 505
Michael A. Bilandic Building
160 N. LaSalle Street
Chicago, Illinois 60601

BOARD SPRINGFIELD HEARING ROOM
Conference Room 1244N, 1st Floor
1021 N. Grand Ave. E.
North Entrance

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| PURPOSE OF HEARINGS: | Merit and Economic |
| PRESIDING BOARD MEMBER: | Michael D. Mankowski |
| HEARING OFFICER: | Daniel Pauley |

HEARING OFFICER ORDER

On July 8, 2024, the Illinois Environmental Protection Agency (IEPA) filed a proposal to revise the Board’s air pollution regulations under Part 217, which addresses emission of nitrogen oxides (NO_x). Accompanying the proposal was IEPA’s Statement of Reasons (SR) and other documents. *See* 35 Ill. Adm. Code 102.202(b). IEPA argues its proposal intends to address NO_x RACT regulations for moderate nonattainment areas as well as deficiencies identified in USEPA’s November 2023 finding. SR at 1, 9, 11-13; *see* TSD at 3. In addition, IEPA’s proposal also addresses Illinois’ obligation to adopt NO_x RACT regulations for major stationary sources of NO_x in ozone nonattainment areas classified as serious. *Id.* Based on a review of available ozone monitoring data, IEPA anticipates that the Chicago and Metro East nonattainment areas will fail to attain the 2015 ozone standard by the August 3, 2024, attainment date and that USEPA will reclassify these areas as serious nonattainment. SR at 6.

Hearings and Pre-Filed Testimony

The Board will conduct two hearings to allow IEPA 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).

If adopted by the Board, the Illinois EPA will submit the proposed amendments to 35 Ill. Adm. Code 217 relating to the control of nitrogen oxides emissions from various source categories to the United States Environmental Protection Agency (“USEPA”) for review and approval as a revision to Illinois’ State Implementation Plan (“SIP”) to address the reasonably available control technology requirements for nitrogen oxides under Sections 172 and 182 of the Clean Air Act (“CAA”), 42 U.S.C. §§ 7502 and 7511a, for major stationary sources in areas designated as nonattainment with respect to the 2015 8-hour ozone National Ambient Air Quality Standard (“NAAQS”). The Illinois EPA will also submit to USEPA the proposed amendments to Part 217 relating to sources affected by the October 27, 1998, NO_x SIP Call, including existing reciprocating internal combustion engines not located in the above nonattainment areas, for review and approval as a revision to Illinois’ SIP concerning the SIP Call. The revisions submitted to USEPA will include amendments to current regulatory provisions as well as an analysis demonstrating that the proposal does not interfere with attainment or maintenance of any applicable NAAQS, reasonable further progress, or any other applicable requirement of the CAA. This notice is intended to satisfy the requirements of Section 110(1) of the CAA, 42 U.S.C. § 7410(l) (public notice for SIP revisions).

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 COOL on the Board’s Web site (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 the 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 a videoconference hearing, 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.*

Participants wishing to offer a public comment will be allowed to do so as time allows before the end of a hearing. Participants may also file post-hearing comments. *See* 35 Ill. Adm. Code 102.108(b).

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.

First Hearing

Participants who intend to testify at the first hearing are directed to pre-file all their testimony and related exhibits no later than Wednesday, August 21, 2024. *See* 35 Ill. Adm. Code 102.424(a). Prefiled questions based on the prefiled testimony must be filed with the Board, by September 19, 2024. If participants wish to prefile answers, those answers should be prefiled by September 25, 2024, at 10:00 a.m.

Although Section 27 of the Act (415 ILCS 5/27 (2022)) does not set the order of the hearing, the hearing officer will begin the first hearing with witnesses who pre-filed testimony for it. *See* 35 Ill. Adm. Code 102.428(c). After those witnesses have testified, participants who do not pre-file testimony may testify as time allows after the Board completes the pre-filed testimony and questions based on it.

Second Hearing

Participants who intend to testify at the second hearing are directed to pre-file all their testimony and related exhibits no later than Thursday, October 31, 2024. *See* 35 Ill. Adm. Code 102.424(a). Prefiled questions based on the prefiled testimony must be filed with the Board, by November 14, 2024. If participants wish to prefile answers, those answers should be prefiled by November 20, 2024, at 10:00 a.m.

The hearing officer will begin the second hearing with any participants who pre-filed testimony for the first hearing but were not able to testify and respond to questions before the end of that hearing. Next, participants who pre-filed testimony for the second hearing will present that testimony and respond to questions. Participants who did not pre-file testimony for the second hearing will be allowed to testify and respond to questions as time permits. *See* 35 Ill. Adm. Code 104.424(g).

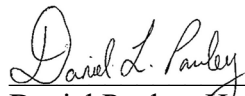
In a letter dated July 11, 2024, the Board requested that the Department of Commerce and Economic Opportunity (DCEO) conduct an economic impact study of the amended proposal and respond to the request by August 26, 2024. At the second hearing, the Board will receive testimony on any study conducted by DCEO or DCEO's decision not to conduct one. *See* 415 ILCS 5/27(b) (2022).

Service and Notice Lists

The Board has established and will maintain both a Notice List and Service List for this proceeding. *See* 35 Ill. Adm. Code 102.422(a), (b). The Notice List includes participants who wish to receive only the Board's opinions 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 also to 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 R25-17. This electronic notice includes notice of filing of 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 web site.

IT IS SO ORDERED.



Daniel Pauley, Hearing Officer
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