

ILLINOIS POLLUTION CONTROL BOARD  
February 19, 2009

IN THE MATTER OF: )  
)  
NITROGEN OXIDES EMISSIONS FROM ) R08-19  
VARIOUS SOURCE CATEGORIES: ) (Rulemaking - Air)  
AMENDMENTS TO 35 ILL. ADM. CODE )  
PARTS 211 AND 217 )

ORDER OF THE BOARD (by A.S. Moore):

On January 20, 2009, the Illinois Environmental Protection Agency (Agency) filed a motion to correct the transcripts of the hearing held in this proceeding on December 9 and 10, 2008 (Mot. Correct). On January 30, 2009, the Agency filed a motion to amend its rulemaking proposal (Mot. Amend). After providing an abbreviated procedural history, the Board below separately addresses these two motions.

**ABBREVIATED PROCEDURAL HISTORY**

The Agency filed this rulemaking proposal with the Board on May 9, 2008. Generally, the Agency proposes to amend Parts 211 and 217 of the Board's air pollution regulations (35 Ill. Adm. Code 211, 217) to control nitrogen oxides (NO<sub>x</sub>) emissions from various source categories, including emission units within these categories such as industrial boilers, process heaters, glass melting furnaces, cement kilns, lime kilns, furnaces used in steelmaking and aluminum melting, and fossil fuel-fired stationary boilers. In an order dated June 5, 2008, the Board accepted the proposal for hearing, and the Board has now held three hearings: the first on October 14, 2008, in Springfield; the second on December 9 and 10, 2008, in Chicago; and the third on February 3, 2009, in Edwardsville.

**MOTION TO CORRECT TRANSCRIPTS**

The Agency requests that the Board order specific corrections to the transcript of the hearing held in this matter on December 9 and 10, 2008 (Tr.2 and Tr.3, respectively). Mot. Correct at 1, citing 35 Ill. Adm. Code 101.604 (Formal Board Transcript).

Having reviewed the Agency's motion to amend, the Board notes the Agency's request that, on line 16 of page 166 of the transcript for December 9, 2008, the Board "[c]hange 'per pounds' to 'in pounds.'" Mot. Amend at 4. As the phrase "per pounds" appears on line 15 and not on line 16 of that page, the Board construes to motion to seek a correction of line 15. *See* Tr.2 at 166. The Board also notes the Agency's request that, on line 26 of page 12 of the transcript for December 10, 2008, the Board "[c]hange 'results in' to 'resulting.'" Mot. Amend at 4. As the phrase "results in" appears on line 16 of that page, which does not include a line 26, the Board construes the motion to seek a correction to line 16. *See* Tr.3 at 12.

Section 101.500(d) of the Board's procedural rules provides in pertinent part that, "[w]ithin 14 days after service of a motion, a party may file a response to the motion. If no response is filed, the party will be deemed to have waived objection to the granting of the motion, but the waiver of objection does not bind the Board or the hearing officer in its disposition of the motion." 35 Ill. Adm. Code 101.500(d). The Board has received no response to the Agency's motion to correct.

Based on its review of the Agency's motion, and in the absence of any response to that motion, the Board grants the motion to correct. The Board directs the Clerk to obtain corrections of the transcripts as set forth in the Agency's motion, with the two technical amendments described in the preceding paragraph.

### **MOTION TO AMEND PROPOSAL**

In its motion to amend, the Agency states that it has negotiated with interested participants on a number of issues that have arisen in this proceeding. Mot. Amend at 1. The Agency further states that "[s]uch negotiations have led to the revision of certain provisions." *Id.* at 2. Specifically, the Agency seeks 20 amendments to its original proposal. *Id.* at 2-10. The Agency proposes to extend compliance deadlines, allow for nonapplicability of emission limits during startup and idling of glass melting furnaces, extend the deadline for installing and operating continuous emission monitoring systems, and revise the emission limitation for electrical generating units firing solid fuel. *Id.* at 2. The Agency requests that the Board amend its original rulemaking proposal as set forth in the motion. *Id.* at 2, 10.


The Board has received no response to the Agency's motion to amend. *See* 35 Ill. Adm. Code 101.500(d). Based on its review of the Agency's motion, and in the absence of any response to that motion, the Board grants the motion to amend.

### **CONCLUSION**

The Board grants the Agency's motion to correct transcripts and directs the Clerk to obtain corrections as set forth in the Agency's motion, with the two technical amendments described above. In addition, the Board grants the Agency's motion to amend its rulemaking proposal.

IT IS SO ORDERED.

I, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on February 19, 2009, by a vote of 5-0.




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John T. Therriault, Assistant Clerk  
Illinois Pollution Control Board