

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF: )  
 )  
 REGULATORY PROPOSAL FOR NOX )  
 TRADING PROGRAM SUNSET PROVISIONS )  
 FOR NON-ELECTRIC GENERATION ) No. R11-8  
 UNITS ("NON-EGU."): AMENDMENTS )  
 TO 35 ILL. ADM. CODE PART )  
 217.SUBPART U )

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**FEB 28 2011**  
**STATE OF ILLINOIS**  
**Pollution Control Board**

TRANSCRIPT FROM THE PROCEEDINGS taken  
 before the HEARING OFFICER DANIEL ROBERTSON by ADRIENNE  
 M. LIGHTFOOT, CSR, a Notary Public within and for the  
 County of Cook and State of Illinois, at Room 11-500 of  
 the Illinois Pollution control Board, Chicago,  
 Illinois, on the 17th day of February, 2011, A.D., at  
 1:00 O'Clock p.m.

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A P P E A R A N C E S:

ILLINOIS POLLUTION CONTROL BOARD,  
100 West Randolph Street  
Suite 11-500  
Chicago, Illinois 60601  
(312)814-3461

BY: MR. DANIEL ROBERTSON, HEARING OFFICER

BOARD MEMBERS PRESENT:

- Ms. Carrie Zalewski
- Ms. Andrea Moore
- Mr. Gary Blankenship
- Mr. Anand Rao
- Mr. G. Tanner Girard
- Mr. Thomas E. Johnson

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY:

Mr. Yoginder Mahajan, Illinois EPA

ALSO PRESENT:

Ms. Rachel Doctors, Assistant Counsel

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21	(No exhibits were marked.)	
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1 HEARING OFFICER ROBERTSON: Good afternoon,  
2 all. My name is Daniel Robertson, and I have been  
3 appointed by the Board to serve as Hearing Officer in  
4 this proceeding entitled "In the Matter of Regulatory  
5 Proposal for NOX Trading Program Sunset Provisions for  
6 Non-Electric Generation Units: Amendments to 35  
7 Illinois Administrative Code Part 217.Subpart U." This  
8 matter is listed as R11-8 in the Board's docket.

9 With me today is the presiding Board  
10 Member, Gary Blankenship and next to him is Board  
11 Member Andrea Moore and Board Member Carrie Zalewski.  
12 To my left, we have Anand Rao of our technical unit and  
13 next to him is Acting Chairman, Dr. G. Tanner Girard  
14 and Board Member Tom Johnson. We also have one of our  
15 interns, Nick Garlisch.

16 This hearing was initially scheduled for  
17 February 3rd, however, because of the severe winter  
18 weather in Chicago that week, a number of businesses  
19 were closed down including the Pollution Control Board  
20 on Wednesday, February 2nd. We convened the hearing on  
21 the 3rd as scheduled and immediately continued it until  
22 today. No testimony was given on that initial date and  
23 no members of the public were present. I'll note that  
24 any questions asked by a Board Member or staff is

1 intended to help for a complete record of the Board's  
2 decision and not to experience any frequency of notion  
3 or bias. One of the purposes of this hearing is to  
4 satisfy the Board's requirement under Section 27B of  
5 the Environmental Protection Act. Section 27B of the  
6 Act requires the Board to request the Department of  
7 Commerce and Economic Opportunity to conduct an  
8 Economic Impact Study on certain proposed Bureaus  
9 before adoption of the rules.

10 If the DCEO chooses to conduct the  
11 Economic Impact Study, the DCEO has 30 to 45 days after  
12 the Board's request to produce a study of the economic  
13 impact. The Board must then make the Economic Impact  
14 Study or the DCEO's explanation for not conducting the  
15 study available to the public at least 20 days before a  
16 public hearing on the economic impact of the proposed  
17 rule.

18 In accordance with Section 27(b) of the  
19 Act, the Board has requested in a letter dated  
20 October 26, 2010 that the DCEO conduct an Economic  
21 Impact Study for this rulemaking. The DCEO responded  
22 on December 7th stating that it is unable to undertake  
23 the study. Both of these letters have been made  
24 available to the public on the Board's Website. We

1 also have copies of both letters in the back and we'll  
2 take any questions on these later. I note that the  
3 agency and its witness by the time and ask if they  
4 could please give their names for record.

5 MS. DOCTORS: Rachel Doctors, Assistant  
6 Counsel, Illinois, EPA.

7 MR. MAHAJAN: Yoginder Mahajan, Illinois  
8 Environmental Protection Engineer, Illinois, EPA.

9 HEARING OFFICER ROBERTSON: Thank you. I  
10 note that we do not have any members of the public  
11 present at this time. And as of today, we have not  
12 received any pre-filed testimony for this hearing. Is  
13 there anybody here who would like to testify on any  
14 matter in this rulemaking? Seeing no testimony, does  
15 anybody have any questions on the Board's letter to the  
16 DCEO or the DCEO's response? See no questions.

17 At this time, I would like to go off the  
18 record and set future dates for this rulemaking.

19 (WHEREUPON, a discussion was had  
20 off the record.)

21 HEARING OFFICER ROBERTSON: We'll go back on  
22 the record then. Off the record, we discussed dates  
23 for final comments. And the date for filing a final  
24 comment will be Monday, March 21, 2011. So if anyone

1 has any questions on this hearing, my contact  
2 information is available on the Board's Website. With  
3 that, I thank you all for coming out today. And this  
4 hearing is now adjourned.

5 (WHEREUPON, the proceedings  
6 adjourned.)

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1 STATE OF ILLINOIS )  
2 ) SS:  
3 COUNTY OF C O O K )  
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5 I, ADRIENNE M. LIGHTFOOT, CSR, do hereby  
6 state that I am a court reporter doing business in the  
7 City of Chicago, County of cook, and State of Illinois;  
8 that I reported by means of machine shorthand the  
9 proceedings held in the foregoing cause, and that the  
10 foregoing is a true and correct transcript of my  
11 shorthand notes so taken as aforesaid.  
12  
13

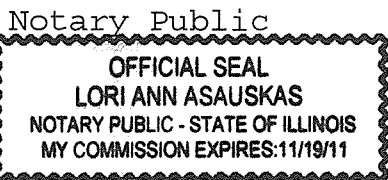
14 Adrienne Lightfoot

15 Adrienne M. Lightfoot, CSR

16 Notary Public, Cook County, Illinois  
17

18 SUBSCRIBED AND SWORN TO  
19 before me this 28 day  
20 of Feb, A.D., 2011.  
21

22 Lori Ann Asauskas





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