

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF: )  
 )  
REASONABLY AVAILABLE CONTROL )  
TECHNOLOGY (RACT) FOR VOLATILE )  
ORGANIC MATERIAL EMISSIONS FROM )  
GROUP III CONSUMER & COMMERCIAL )  
PRODUCTS: PROPOSED AMENDMENTS )  
TO 35 ILL. ADM. CODE 218 and 219 )

R10- 10  
(Rulemaking-Air)

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OCT 23 2009

STATE OF ILLINOIS  
Pollution Control Board

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12. Documents Relied Upon:

*Control Techniques Guidelines for Paper, Film, and Foil Coatings, United States Environmental Protection Agency, Office of Air Quality Planning and Standards, Research Triangle Park, NC, September 2007.*

*Control Techniques Guidelines for Metal Furniture Coatings*, United States Environmental Protection Agency, Office of Air Quality Planning and Standards, Research Triangle Park, NC, September 2007.

*Control Techniques Guidelines for Large Appliance Coatings*, United States Environmental Protection Agency, Office of Air Quality Planning and Standards, Research Triangle Park, NC, September 2007.

Illinois Environmental Protection Act (415 ILCS 5/et seq.)

Clean Air Act (42 U.S.C. 7401 et seq.)

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NOTICE

To: John Therriault, Assistant Clerk  
Illinois Pollution Control Board  
James R. Thompson Center  
100 West Randolph, Suite 11-500  
Chicago, Illinois 60601-3218

Matthew Dunn, Chief  
Division of Environmental Enforcement  
Office of the Attorney General  
69 W. Washington, Suite 1800  
Chicago, IL 60602

Virginia Yang  
Deputy Legal Counsel  
Illinois Department of Natural Resources  
One Natural Resources Way  
Springfield, IL 62702

PLEASE TAKE NOTICE that I have today filed with the Office of the Pollution Control Board the REGULATORY PROPOSAL entitled "REASONABLY AVAILABLE CONTROL TECHNOLOGY (RACT) FOR VOLATILE ORGANIC MATERIAL EMISSIONS FROM GROUP III CONSUMER & COMMERCIAL PRODUCTS: PROPOSED AMENDMENTS TO 35 ILL. ADM. CODE 218 and 219," MOTION FOR WAIVER OF COPY REQUIREMENTS, and APPEARANCE of the Illinois Environmental Protection Agency, a copy of which is herewith served upon you.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY

By:   
Dana Vetterhoffer  
Assistant Counsel  
Division of Legal Counsel

DATED: October 23, 2009

1021 N. Grand Ave. East  
P.O. Box 19276  
Springfield, IL 62794-9276  
(217) 782-5544

**THIS FILING IS SUBMITTED ON RECYCLED PAPER**

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APPEARANCE

The undersigned hereby enters her appearance as an attorney on behalf of the Illinois Environmental Protection Agency.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY

By: Dana Vetterhoffer  
Dana Vetterhoffer  
Assistant Counsel  
Division of Legal Counsel

DATED: October 15, 2009

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ILLINOIS ENVIRONMENTAL PROTECTION AGENCY PROPOSAL OF  
REGULATIONS

The Illinois Environmental Protection Agency moves that the Illinois Pollution Control Board adopt the attached regulations.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY

By: Douglas P. Scott  
Douglas P. Scott  
Director

DATED: October 8, 2009

1021 N. Grand Ave. East  
P.O. Box 19276  
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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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CERTIFICATION OF REQUIRED RULE

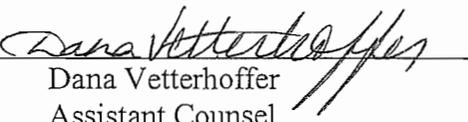
The Illinois Environmental Protection Agency certifies in accordance with 35 Ill. Adm. Code 102.202(h) and 102.500, and 415 ILCS 5/28.2(b), that it believes that this proposal for amendments to 35 Ill. Adm. Code 218 and 219 is a federally required rule under Sections 172(c)(1) and 182(b)(2) of the Clean Air Act ("CAA"). 42 U.S.C. §§ 7502(c)(1) and 7511a(b)(2).

The proposal for amendments is needed to satisfy Illinois' obligation to submit a State Implementation Plan ("SIP") for sources of volatile organic materials ("VOM") emissions in areas designated as nonattainment with respect to the ozone National Ambient Air Quality Standard. Section 172(c)(1) of the CAA provides that states must include in their SIPs for nonattainment areas "reasonably available control measures," including "reasonably available control technology" ("RACT"), for sources of emissions. 42 U.S.C. § 7502(c)(1). Section 182(b)(2) of the CAA provides that, for ozone nonattainment areas, the State must revise its SIP to include RACT for sources of VOM emissions covered by a control techniques guideline ("CTG") issued between November 15, 1990, and the date of attainment. 42 U.S.C. § 7511a(b)(2).

The proposed amendments are intended to establish RACT requirements for Group III Consumer and Commercial Product categories in response to CTGs issued by the United States Environmental Protection Agency on October 9, 2007, and thereby satisfy the CAA requirements described above.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY

By:   
Dana Vetterhoffer  
Assistant Counsel  
Division of Legal Counsel

DATED: October 15, 2009

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CERTIFICATION OF ORIGATION

The Illinois Environmental Protection Agency certifies in accordance with 35 Ill. Adm. Code 102.202(i) that this proposal for amendments to 35 Ill. Adm. Code 218 and 219 amends the most recent version of the rules as published on the Illinois Pollution Control Board's website.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY

By: Dana Vetterhoffer  
Dana Vetterhoffer  
Assistant Counsel  
Division of Legal Counsel

DATED: October 15, 2009

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Agency Analysis of Economic and  
Budgetary Effects of Proposed Rulemaking

Agency: Illinois Pollution Control Board

Part/Title: Organic Material Emission Standards and Limitations for the Chicago Area (35  
Ill. Adm. Code Part 218)

Illinois Register Citation: \_\_\_\_\_

Please attempt to provide as dollar-specific responses as possible and feel free to add any relevant explanation.

1. Anticipated effect on State expenditures and revenues.
  - (a) Current cost to the agency for this program/activity. ~\$13,000 per year
  - (b) If this rulemaking will result in an increase or decrease in cost, specify the fiscal year in which this change will first occur and the dollar amount of the effect.  
N/A
  - (c) Indicate the funding source, including Fund and appropriation lines, for this program/activity. N/A
  - (d) If an increase or decrease in the costs of another State agency is anticipated, specify the fiscal year in which this change will first occur and the estimated dollar amount of the effect. N/A
  - (e) Will this rulemaking have any effect on State revenues or expenditures not already indicated above? No
2. Economic effect on persons affected by the rulemaking:
  - (a) Indicate the economic effect and specify the persons affected:  
Positive \_\_\_ Negative X No effect \_\_\_  
Persons affected: See list of potentially affected sources in TSD.  
  
Dollar amount per ton of VOM emissions reduced:  
Affected paper, film and foil coaters: \$0-1,200/ton  
Affected large appliance coater: \$0-500/ton  
Affected metal furniture coater: \$0-200/ton  
  
Total statewide cost:  
Affected paper, film and foil coaters: \$0-25,740/year  
Affected large appliance coater: \$0/year (No affected source)  
Affected metal furniture coater: \$0/year (No affected source is expected to need additional control)

- (b) If an economic effect is predicted, please briefly describe how the effect will occur. **Costs due to control measures for newly-affected sources, as described in TSD.**
- (c) Will the rulemaking have an indirect effect that may result in increased administrative costs? Will there be any change in requirements such as filing, documentation, reporting or completion of forms?

**The rulemaking will require a small amount of additional reporting but should have no more than a negligible indirect effect that may result in increased administrative costs.**

**Agency Analysis of Economic and  
Budgetary Effects of Proposed Rulemaking**

Agency: Illinois Pollution Control Board

Part/Title: Organic Material Emission Standards and Limitations for the Metro East Area  
(35 Ill. Adm. Code Part 219)

Illinois Register Citation: \_\_\_\_\_

Please attempt to provide as dollar-specific responses as possible and feel free to add any relevant explanation.

1. Anticipated effect on State expenditures and revenues.
  - (a) Current cost to the agency for this program/activity. ~\$1,200 per year
  - (b) If this rulemaking will result in an increase or decrease in cost, specify the fiscal year in which this change will first occur and the dollar amount of the effect.  
N/A
  - (c) Indicate the funding source, including Fund and appropriation lines, for this program/activity. N/A
  - (d) If an increase or decrease in the costs of another State agency is anticipated, specify the fiscal year in which this change will first occur and the estimated dollar amount of the effect. N/A
  - (e) Will this rulemaking have any effect on State revenues or expenditures not already indicated above? No
  
2. Economic effect on persons affected by the rulemaking:
  - (a) Indicate the economic effect and specify the persons affected:  
  
Positive \_\_\_ Negative X No effect \_\_\_  
  
Persons affected: See list of potentially affected sources in TSD.  
  
Dollar amount per ton of VOM emissions reduced:  
Affected paper, film and foil coaters: \$0-1,200/ton  
Affected large appliance coater: \$0-500/ton  
Affected metal furniture coater: \$0-200/ton  
  
Total statewide cost:  
Affected paper, film and foil coaters: \$0/year year (No affected source is expected to need additional control)  
Affected large appliance coater: \$0/year (No affected source)  
Affected metal furniture coater: \$0/year (No affected source)

- (b) If an economic effect is predicted, please briefly describe how the effect will occur. **Costs due to control measures for newly-affected sources, as described in TSD.**
- (c) Will the rulemaking have an indirect effect that may result in increased administrative costs? Will there be any change in requirements such as filing, documentation, reporting or completion of forms?

**The rulemaking will require a small amount of additional reporting but should have no more than a negligible indirect effect that may result in increased administrative costs.**

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MOTION FOR WAIVER OF COPY REQUIREMENTS

The Proponent, the Illinois Environmental Protection Agency (“Illinois EPA”), by its attorney, and pursuant to 35 Ill. Adm. Code 101.500, 102.110, 102.200, and 102.402, respectfully moves that the Illinois Pollution Control Board (“Board”) waive the requirement that the Illinois EPA submit the original and nine copies of the regulatory proposal including all documents relied upon, and waive the requirement that the Illinois EPA provide copies of certain documents relied upon. In support of its Motion, Illinois EPA states as follows:

1. Section 102.200 of the Board’s procedural rules requires that the original and nine copies of each regulatory proposal be filed with the Clerk. This entire regulatory proposal consists of approximately 400 pages. Given the length of the proposal and the resources required to provide nine copies, Illinois EPA requests that the Board waive the normal copy requirements and allow Illinois EPA to file the original and four complete copies of the documents.

2. Section 27(a) of the Environmental Protection Act requires that the Illinois EPA provide information supporting the proposal. 415 ILCS 5/27(a). Two of the documents relied upon by the Illinois EPA, the Illinois Environmental Protection Act and the Clean Air Act, are readily accessible to or are within the possession of the Board. Given the ease of accessibility of these documents, listed as items ‘d’ and ‘e’ below, the Illinois EPA moves that the Board waive

the requirement that the Illinois EPA provide copies of such documents. The Illinois EPA has otherwise provided documents which were directly relied upon when drafting the regulatory proposal. The documents relied upon are as follows:

- a. *Control Techniques Guidelines for Paper, Film, and Foil Coatings*, United States Environmental Protection Agency, Office of Air Quality Planning and Standards, Research Triangle Park, NC, September 2007.
- b. *Control Techniques Guidelines for Metal Furniture Coatings*, United States Environmental Protection Agency, Office of Air Quality Planning and Standards, Research Triangle Park, NC, September 2007.
- c. *Control Techniques Guidelines for Large Appliance Coatings*, United States Environmental Protection Agency, Office of Air Quality Planning and Standards, Research Triangle Park, NC, September 2007.
- d. Illinois Environmental Protection Act (415 ILCS 5/et seq.).
- e. Clean Air Act (42 U.S.C. 7401 et seq.).

WHEREFORE, the Illinois EPA moves that the Board waive the requirement that the Illinois EPA provide copies of the documents listed as items 'd' and 'e' above, and waive the requirement that the Illinois EPA provide an original and nine copies of the remaining documents in its proposal.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY

By:   
Dana Vetterhoffer  
Assistant Counsel  
Division of Legal Counsel

DATED: October 15, 2009

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***THIS IS A  
FAST TRACK  
RULEMAKING***

**FILED IN ACCORDANCE WITH  
SECTION 28.5 OF THE ENVIRONMENTAL  
PROTECTION ACT (415 ILCS 5/28.5)**

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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STATEMENT OF REASONS

I. INTRODUCTION

The Illinois Environmental Protection Agency ("Illinois EPA") submits this Statement of Reasons to the Illinois Pollution Control Board ("Board") pursuant to Sections 10, 27, and 28.5 of the Environmental Protection Act ("Act") (415 ILCS 5/10, 27, and 28.5) and 35 Ill. Adm. Code 102.202 in support of the attached proposal of regulations. These regulations are proposed to control emissions of Volatile Organic Material ("VOM"), which is effectively the same as volatile organic compounds ("VOC"), from the following Group III Consumer and Commercial Product Categories: Paper, Film, and Foil Coatings, Metal Furniture Coatings, and Large Appliance Coatings.

This proposed rulemaking is intended to meet certain obligations of the State of Illinois under the federal Clean Air Act ("CAA"), 42 U.S.C. § 7401 et seq. Specifically, the rulemaking is intended to satisfy Illinois' obligation to submit a State Implementation Plan ("SIP") to address requirements under Sections 172 and 182 of the CAA for sources of VOM emissions in areas designated as nonattainment with respect to the ozone National Ambient Air Quality Standard ("NAAQS"). See 42 U.S.C. §§ 7502 and 7511a. Section 172(c)(1) of the CAA provides that states must include in their SIPs for

nonattainment areas (“NAAs”) “reasonably available control measures” (“RACM”), including “reasonably available control technology” (“RACT”), for sources of emissions. 42 U.S.C. § 7502(c)(1). Section 182(b)(2) of the CAA provides that, for ozone NAAs, the State must revise its SIP to include RACT for sources of VOM emissions covered by a control techniques guideline (“CTG”) issued between November 15, 1990, and the date of attainment. 42 U.S.C. § 7511a(b)(2).

Illinois is proposing reasonable and cost effective VOM controls for Group III Consumer and Commercial Product Categories in response to CTGs issued for such categories. Included in this proposal are amendments to 35 Ill. Adm. Code Part 218, Organic Material Emission Standards and Limitations for the Chicago Area, and 35 Ill. Adm. Code Part 219, Organic Material Emission Standards and Limitations for the Metro East Area.

## **II. STATEMENT OF FACTS**

The CAA establishes a comprehensive program for controlling and improving the nation’s air quality via state and federal regulations. The United States Environmental Protection Agency (“USEPA”) is charged with identifying air pollutants that endanger the public health and welfare and with formulating the NAAQS that specify the maximum permissible concentrations of those pollutants in the ambient air pursuant to Sections 108 and 109 of the CAA. 42 U.S.C. §§ 7408-7409.

### **A. 8-Hour Ozone NAAQS**

Ozone occurs both in the Earth’s upper atmosphere and at ground level. VOM is a primary precursor to the formation of ground-level ozone, which is formed when oxides of nitrogen and VOM react in the atmosphere in the presence of sunlight. Ground-level

ozone is a major component of smog. *72 Fed. Reg. 57217* (Oct. 9, 2007). Exposure to sufficient concentrations of ground-level ozone is associated with agricultural crop loss, damage to forests and ecosystems, and a variety of human health conditions, including acute respiratory symptoms, increased susceptibility to respiratory infection, and pulmonary inflammation. *72 Fed. Reg. 57217*.

On July 18, 1997, USEPA revised the NAAQS for ozone by replacing the 1-hour standard with an 8-hour standard. *62 Fed. Reg. 38856* (July 18, 1997). In Illinois, there are two areas designated as nonattainment (moderate) for the 8-hour ozone standard: 1) the Chicago-Gary-Lake County, IL-IN designated area, which includes Cook, DuPage, Grundy (partial-Goose Lake and Aux Sable Townships), Kane, Kendall (partial-Oswego Township), Lake, McHenry, and Will Counties; and 2) the St. Louis, MO-IL designated area, which includes Jersey, Madison, Monroe, and St. Clair Counties. 40 CFR § 81.314.

## **B. CAA Requirements**

### **1. Consumer and Commercial Products, Group III**

Section 183(e) of the CAA required that USEPA conduct a study of the emissions of VOM into the ambient air from consumer and commercial products in order to determine their potential to contribute to ozone levels which violate the ozone NAAQS and to establish criteria for regulating emissions of VOM from such products. *72 Fed. Reg. 57217*. Section 183(e) provides, “[T]he Administrator shall list those categories of consumer or commercial products that the Administrator determines, based on the study, account for at least 80 percent of the VOC emissions . . . from consumer or commercial products in areas that violate the NAAQS for ozone” and shall divide the categories into groups. 42 U.S.C. § 7511b(e)(3)(A).

The CAA requires that USEPA then either regulate VOM emissions from such categories or issue a CTG in lieu of a national regulation if the Administrator determines that such guidance will be substantially as effective as regulations in reducing emissions of VOM which contribute to ozone levels in ozone NAAs. 42 U.S.C. § 7511b(e)(3)(C). CTGs provide states with recommendations regarding what types of controls could constitute RACT for VOM for the applicable source categories. *72 Fed. Reg. 57217-57218*. States must either adopt regulations to implement the recommendations in the CTG or adopt alternative approaches that constitute RACT, either of which must be submitted to the USEPA for review and approval as part of the SIP process. *72 Fed. Reg. 57218*.

On October 9, 2007, the USEPA issued final CTGs for three Group III Consumer and Commercial Product Categories. The USEPA required that states submit SIP revisions in response to the CTGs within one year. *72 Fed. Reg. 57215-57218*.

## 2. RACT Requirements

USEPA designated the Chicago and Metro East areas in Illinois as nonattainment (moderate) for the 8-hour ozone NAAQS, which triggered requirements under the CAA for adopting regulations that reduce emissions sufficiently to demonstrate attainment of the standard. Section 172(c)(1) of the CAA provides, in pertinent part:

### (c) Nonattainment plan provisions

The plan provisions (including plan items) required to be submitted under this part shall comply with each of the following:

#### (1) In general

Such plan provisions shall provide for the implementation of all reasonably available control measures as expeditiously as practicable (including such reductions in emissions from existing

sources in the area as may be obtained through the adoption, at a minimum, of reasonably available control technology) and shall provide for attainment of the national primary ambient air quality standards.

42 U.S.C. § 7502(c)(1). A subset of RACM is RACT, which is defined as the lowest emission limitation that a particular source can meet by applying a control technique that is reasonably available considering technological and economic feasibility. *See 44 Fed. Reg. 53762* (September 17, 1979).

Additionally, Section 182(b) of the CAA provides, in pertinent part:

(b) Moderate Areas

Each State in which all or part of a Moderate Area is located shall, with respect to the Moderate Area, make the submissions described under subsection (a) of this section (relating to Marginal Areas), and shall also submit the revisions to the applicable implementation plan described under this subsection.

.....

(2) Reasonably available control technology

The State shall submit a revision to the applicable implementation plan to include provisions to require the implementation of reasonably available control technology under section 7502(c)(1) of this title with respect to each of the following:

- (A) Each category of VOC sources in the area covered by a CTG document issued by the Administrator between November 15, 1990, and the date of attainment.

42 U.S.C. § 7511a(b)(2).

Sections 172 and 182 of the CAA establish the requirement for Illinois to submit VOM regulations constituting RACT for Group III Consumer and Commercial Product Categories in ozone NAAs classified as moderate and above. Illinois was required to submit its SIP revisions by October 9, 2008.

### **C. Fast Track**

This regulatory proposal is properly submitted to the Board under Section 28.5 of the Act as a fast-track rulemaking. Section 28.5 provides, “When the [CAA] requires rules other than identical in substance rules to be adopted, upon request by the Agency, the Board must adopt rules under fast-track rulemaking requirements.” A rule is “required to be adopted” when the USEPA “is empowered to impose sanctions against the State for failure to adopt such rules.” 415 ILCS 5/28.5.

This rulemaking proposal satisfies such criteria. First, the proposed rule is not identical in substance to any federal regulation. The CTGs at issue here are merely guidance documents which set forth recommendations that a state may utilize when making VOM RACT determinations for Group III product categories. *See 72 Fed. Reg.* 57218. Second, the proposed rule is required to be adopted. As previously discussed, Sections 172 and 182 of the CAA require that Illinois submit as a SIP revision VOM RACT regulations for Group III categories in ozone NAAs. Pursuant to Section 179 of the CAA, two sanctions are available to USEPA if Illinois fails to do so: 1) the loss of highway funds; and 2) an increase in the emissions offset ratio for New Source Review. 42 U.S.C. § 7509. Further, if Illinois fails to make an adequate SIP submission, USEPA has the authority to impose a Federal Implementation Plan pursuant to Section 110(c)(1) of the CAA. 42 U.S.C. § 7410(c)(1). Illinois EPA’s submittal of its proposal as a fast-track rulemaking is therefore appropriate.

### **III. PURPOSE AND EFFECT OF THE PROPOSAL**

As described in detail above, this rulemaking proposal has been prepared to satisfy Illinois’ obligation to submit a SIP to address the requirements under Sections 172

and 182 of the CAA for sources of VOM emissions in areas designated as nonattainment with respect to the ozone NAAQS. *See* 42 U.S.C. §§ 7502 and 7511a.

Additionally, Illinois is required to submit these SIP revisions before the USEPA can redesignate the Chicago and Metro East NAAs to attainment of the 1997 ozone NAAQS, regardless of whether the VOM reductions obtained by the SIP revisions are actually necessary to achieve attainment of the NAAQS. Section 107(d)(3)(E) of the CAA provides that the Administrator may not redesignate a NAA to attainment unless the State has a fully-approved SIP for the area seeking redesignation and the State has met all applicable requirements of Section 110 and Part D (which includes the requirement that states adopt VOM RACT rules for categories covered by a CTG). 42 U.S.C. § 7407(d)(3)(E). In a September 17, 1993, guidance document from Michael H. Shapiro, Acting Assistant Administrator for Air and Radiation (“Shapiro Memorandum”), the USEPA confirmed, “[B]efore EPA can act favorably upon any State redesignation request, the statutorily-mandated control programs of section 110 and part D (that were due prior to the time of the redesignation request) must have been adopted by the State and approved by EPA into the SIP.” (Shapiro Memorandum, p. 2).<sup>1</sup>

On July 2, 2007, the Illinois EPA submitted to the USEPA an attainment demonstration for the Metro East NAA for the 1997 8-hour ozone NAAQS. On March 19, 2009, the Illinois EPA submitted an attainment demonstration for the Chicago NAA as well. These areas cannot be redesignated to attainment of the ozone NAAQS,

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<sup>1</sup> *See also Wall v. USEPA*. In *Wall*, the United States Court of Appeals for the Sixth Circuit vacated the USEPA’s redesignation of a state to attainment, in part because the state failed to promulgate VOC RACT rules in response to CTGs. The USEPA argued that fully adopted VOC RACT rules were unnecessary because the state did not need the reductions from such rules to achieve attainment. The court rejected USEPA’s argument, holding that the CAA unambiguously requires that a SIP submitted with respect to a redesignation request contain fully adopted RACT rules required by Part D. Redesignation absent such rules was therefore improper. *Wall v. USEPA*, 265 F.2d 426, 433, 440-42 (6th Cir. 2001).

however, unless and until the Illinois EPA submits SIP revisions in response to the Group III CTGs and the USEPA approves such revisions.

Finally, in March 2008, USEPA strengthened the eight-hour ozone standard. 73 *Fed. Reg.* 16436 (March 27, 2008). It is likely that the same areas in Illinois that are currently designated as nonattainment for the present standards will be designated as nonattainment for the revised standard. While attainment of the revised standard is not the purpose of this rulemaking, it should be noted that any reduction in VOM emissions in the NAAs resulting from these proposed amendments will improve ozone air quality and will likely help Illinois achieve and maintain the newly revised NAAQS.

#### **IV. GEOGRAPHIC REGIONS AND SOURCES AFFECTED**

The geographic regions subject to the proposed regulations are the two areas designated as nonattainment for the 8-hour ozone standard: 1) the Chicago-Gary-Lake County, IL-IN designated area, which includes Cook, DuPage, Grundy (partial-Goose Lake and Aux Sable Townships), Kane, Kendall (partial-Oswego Township), Lake, McHenry, and Will Counties; and 2) the St. Louis, MO-IL designated area, which includes Jersey, Madison, Monroe, and St. Clair Counties. 40 CFR § 81.314.

The proposed regulations are generally expected to affect both new and existing sources that are covered by a Group III CTG, are located in the Chicago or Metro East NAAs, and meet the applicability criteria specified in the regulations. Table 11 in the *Technical Support Document* lists the sources potentially affected by the proposed regulations.

#### **V. TECHNICAL FEASIBILITY AND ECONOMIC REASONABLENESS**

The technology for controlling VOM emissions from Group III product categories is both technically feasible and economically reasonable. Affected sources can meet the requirements in the proposed amendments through a number of readily available control techniques.

Control approaches for reducing VOM emissions from paper, film, and foil coatings include work practices, material reformulation or substitution (namely, the use of low-VOM coatings or no-VOM coatings), and capture systems and add-on control devices such as oxidizers, carbon adsorption systems, and condensers. Similarly, VOM control techniques for metal furniture coatings include work practices for coating waste and cleaning materials, and material reformulation/substitution via low-VOM coatings such as higher solids coatings and waterborne coatings. Metal furniture coating lines can also control VOM emissions by utilizing capture systems and add-on control devices such as oxidizers, adsorbents, and absorbents, and more efficient coating application equipment, such as electrostatic or high volume/low pressure spray equipment. Control approaches for large appliance coatings are similar to those available for metal furniture coatings. *See Technical Support Document.*

In the *Technical Support Document*, the Illinois EPA explains in more detail that the above control approaches are both technically feasible and economically reasonable. *See also, CTGs.*

## **VI. COMMUNICATION WITH INTERESTED PARTIES**

The Illinois EPA engaged in outreach on this proposal. On July 20, 2009, the Illinois EPA posted a draft of the proposed rule and copies of the pertinent CTGs on its website for public comment. The Illinois EPA also contacted potentially affected sources

via email, soliciting feedback on the proposed rule. While the Illinois EPA did not receive any comments regarding its proposal, interested parties have nonetheless had an opportunity to review the rule and discuss any issues with the Illinois EPA.

## **VII. SYNOPSIS OF TESTIMONY**

The Illinois EPA plans to call Yoginder Mahajan, Environmental Protection Engineer, Air Quality Planning Section, Bureau of Air, Illinois EPA, as a witness at hearing. Mr. Mahajan will testify and answer questions regarding the proposed amendments. Written testimony will be submitted prior to hearing in accordance with the Board's procedural rules and with Board orders.

## **VIII. THE ILLINOIS EPA'S PROPOSAL**

Generally, Illinois EPA's regulatory proposal aims to implement the recommendations contained in the CTGs to the extent that such recommendations are consistent with existing regulations. For all three coating categories, the Illinois EPA proposes amending VOM content limitations, adding CTG-recommended exclusions, and adding work practice requirements. For metal furniture and large appliance coating lines, the Illinois EPA also proposes adding limitations regarding coating application methods.

The following is a Section-by-Section summary of the Illinois EPA's proposal.

### **35 Ill. Adm. Code 218/219**

#### **Subpart A: General Provisions**

##### **Section 218/219.106 Compliance Dates**

The Illinois EPA proposes adding a new subsection (e) to Section 218.106 and a new subsection (c) to Section 219.106, which establish May 1, 2011, as the compliance date for sources subject to the rulemaking proposal.

## Subpart F: Coating Operations

### Section 218/219.204 Emission Limitations

The Illinois EPA proposes amending the introductory paragraph to reference revised subsections of Section 218/219.204.

The Illinois EPA proposes amending subsection (c) to restrict the VOM content of paper coatings to the limitations set forth in the CTG, and to provide that such limitations shall not apply to coating performed on or in-line with digital printing presses, or to size presses and on-machine coaters on papermaking machines applying sizing or water-based clays.

The Illinois EPA proposes amending subsection (g) to restrict the VOM content of metal furniture coatings to the limitations set forth in the CTG, and to provide that such limitations shall not apply to stencil coatings, safety-indicating coatings, solid-film lubricants, electric-insulating and thermal-conducting coatings, touch-up and repair coatings, or coating applications utilizing hand-held aerosol cans. The Illinois EPA also proposes amending subsection (g) to provide that coating lines shall comply with the application method requirements specified in the proposed rule revisions.

The Illinois EPA proposes amending subsection (h) to restrict the VOM content of large appliance coatings to the limitations set forth in the CTG, and to provide that such limitations shall not apply to stencil coatings, safety-indicating coatings, solid-film lubricants, electric-insulating and thermal-conducting coatings, touch-up and repair coatings, or coating applications utilizing hand-held aerosol cans. The Illinois EPA also proposes amending subsection (h) to provide that coating lines shall comply with the application method requirements specified in the proposed rule revisions.

#### **Section 218/219.205 Daily-Weighted Average Limitations**

The Illinois EPA proposes amending the introductory paragraph to reference proposed subsection (j).

The Illinois EPA proposes amending subsection (a) to provide that such subsection only applies to paper coating lines until May 1, 2011.

The Illinois EPA proposes adding subsection (j), which sets forth the requirements for paper coating lines utilizing the daily weighted averaging alternative on and after May 1, 2011.

#### **Section 218/219.207 Alternative Emission Limitations**

The Illinois EPA proposes amending subsection (a) to reference proposed subsection (l).

The Illinois EPA proposes amending subsections (c), (j), and (k) to provide that such subsections only apply to paper coating lines, metal furniture coating lines, and large appliance coating lines, respectively, until May 1, 2011.

The Illinois EPA proposes adding subsection (l), which sets forth the requirements for paper, metal furniture, and large appliance coating lines utilizing the alternative emissions limitation on and after May 1, 2011.

#### **Section 218/219.210 Compliance Schedule**

The Illinois EPA proposes adding subsection (g), which provides that, on and after a date consistent with Section 218/219.106, sources subject to the proposed paper, metal furniture, or large appliance coating limitations shall comply with such limitations, as well as with all other applicable provisions in Subpart F. The Illinois EPA also proposes amending the introductory paragraph to reference proposed subsection (g).

### **Section 218/219.211 Recordkeeping and Reporting**

The Illinois EPA proposes correcting two spacing errors in subsection (b)(1) of Section 218.211.

The Illinois EPA proposes amending subsection (c) to provide that, for paper coating lines subject to the proposed VOM content limitations, VOM content information shall be maintained and/or reported in terms of weight of VOM per weight of solids or coatings, as applicable, as applied each day on each coating line. The Illinois EPA also proposes amending subsection (c) to provide that metal furniture and large appliance coating lines subject to the proposed VOM content limitations maintain and/or report VOM content information in terms of weight of VOM per volume of each coating or solids, as applicable, as applied each day on each coating line, and report the application method(s) used to apply coatings on each subject coating line. Paper, metal furniture, and large appliance coating lines shall also maintain and report certified product data sheets for each coating applied on each line.

The Illinois EPA proposes amending subsection (d) to provide that, for paper coating lines utilizing the daily weighted averaging alternative, VOM content information shall be maintained and/or reported in terms of weight of VOM per weight of solids or coatings, as applicable, as applied each day on each coating line. The Illinois EPA also proposes amending subsection (d) to provide that metal furniture and large appliance coating lines utilizing the daily weighted averaging alternative maintain and/or report VOM content information in terms of weight of VOM per volume of each coating or solids, as applicable, as applied each day on each coating line.

The Illinois EPA proposes amending subsection (e) to provide that coating lines

complying pursuant to Section 218/219.207(l) shall comply with the recordkeeping and reporting requirements set forth in subsection (e).

The Illinois EPA proposes adding subsection (g), which establishes recordkeeping and reporting requirements for paper, metal furniture, and large appliance coating lines subject to the work practice requirements set forth in Section 218/219.218.

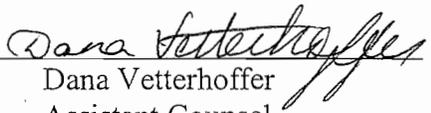
**Section 218/219.212 Cross-Line Averaging to Establish Compliance for Coating Lines**

The Illinois EPA proposes amending this Section to provide that the cross-line averaging alternative is not available to coating lines subject to the revised VOM content limitations.

**Section 218/219.218 Work Practice Standards for Paper Coatings, Metal Furniture Coatings, and Large Appliance Coatings**

The Illinois EPA proposes adding Section 218/219.218, which sets forth work practice requirements for cleaning materials and/or cleaning-related activities associated with paper, metal furniture, and large appliance coating lines. Generally, Illinois EPA proposes that subject coating lines store all VOM-containing materials in closed containers, ensure that mixing and storage containers used for VOM-containing materials are kept closed at all times except when in use, minimize spills of VOM-containing materials, convey such materials from one location to another in closed containers or pipes, and minimize VOM emissions from the cleaning of storage, mixing, and conveying equipment.

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY

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