

CERTIFICATE OF SERVICE

I, Alec M. Davis, the undersigned, hereby certify that I have served the attached the

PRE-FILED TESTIMONY OF DAVID KOLAZ upon:

Mr. John T. Therriault
Assistant Clerk of the Board
Illinois Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

via electronic mail on June 19, 2013; and upon:

Charles E. Matoesian
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276

Michael J. McCambridge
Hearing Officer
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

by depositing said documents in the United States Mail, postage prepaid, in Springfield, Illinois on June 19, 2013.

/s/ Alec M. Davis
Alec M. Davis

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)
NATIONAL AMBIENT AIR QUALITY) R13-11
STANDARDS, USEPA REGULATIONS) (Identical-in-Substance Rulemaking – Air)
(through December 31, 2012))

PRE-FILED TESTIMONY OF DAVID KOLAZ

NOW COMES the ILLINOIS ENVIRONMENTAL REGULATORY GROUP (“IERG”), by and through its attorney, Alec M. Davis, and, pursuant to the May 16, 2013 Hearing Officer Order, submits the following PRE-FILED TESTIMONY OF DAVID KOLAZ for presentation at the June 26, 2013 hearing in the above-referenced matter.

Pre-Filed Testimony of David Kolaz

My name is David Kolaz and I am an environmental consultant providing air pollution expertise to the Illinois Environmental Regulatory Group and its members. I was previously employed by the Illinois EPA in various capacities since 1971, ultimately serving as Chief of the Bureau of Air from 2000 until my retirement in December 2004. In my various roles at the Agency, I was responsible for the planning, development, and implementation of the statewide air pollution control program designed to meet State and federal clean air laws.

IERG is a not-for-profit Illinois corporation affiliated with the Illinois Chamber of Commerce. IERG is comprised of 51 member companies that are regulated by governmental agencies that promulgate, enforce, or administer environmental laws, rules, regulations, or other policies. One of IERG’s primary roles is to represent the interests of its members in rulemakings before the Board. IERG appreciates the opportunity to participate in this proceeding, and offers this testimony for consideration by the Board.

IERG's interest in this matter is premised on its involvement in the adoption of Public Act 97-945, which created the mandate that the Board adopt air quality standards in Illinois identical-in-substance to the National Ambient Air Quality Standards ("NAAQS"). IERG supports and appreciates the Board's efforts in this matter to expeditiously update Illinois' air quality standards regulations.

IERG is very supportive of the Board's efforts to create a regulatory framework that clearly and accurately reflects the NAAQS in a manner that is easy to follow and will allow for future amendments to the NAAQS to be easily incorporated. IERG is particularly supportive of the Board's decisions:

- finding that the Board intended that pre-existing State ambient air quality standards be consistent with corresponding federal NAAQS;
- to remove the nondegradation and monitoring provisions, as they are not proper components of air quality standards;
- to standardize the naming of each air quality standard and to organize the various standards grouped by their criteria pollutant, year of federal adoption and averaging period;
- to include a process for dealing with standards to be removed in the future, including the selection of option 3 in its Order, specifying the necessary preconditions to be fulfilled, as the appropriate sunset clause for the 1971 Primary 24-Hour NAAQS for sulfur oxides; and
- to provide Board Notes indicating the derivation of the state standard from the federal regulations.

There is one issue, however, that I would like to address in some detail. The Board has determined the 1979 primary and secondary one-hour NAAQS for ozone is subject to sunset and will not apply to any area of Illinois after July 20, 2013 which is one year after U.S. EPA's area designation for the 2008 eight-hour ozone standard. However, the Board's reference of 40 CFR 50.9(b) for the sunset of the 1979 standard is actually triggered by the area designation for the 1997 eight-hour ozone standard and not the 2008 eight-hour ozone standard as the Board describes. These designations were made on April 15, 2004 so the 1979 primary and secondary ozone standard would no longer apply one year later which would be April 15, 2005. As correctly noted by the Board, U.S. EPA formally revoked the one-hour ozone standard for Illinois on June 15, 2005. IERG believes that when U.S. EPA revokes a standard applicable to Illinois, that standard should not be included in the Board's rules even if there are remaining SIP commitments that are applicable. The applicability of on-going SIP commitments in such cases is no longer based on a currently viable NAAQS but exist for purposes of backsliding, and are appropriately included in the maintenance plans adopted by the Illinois EPA. This concept also applies to the Board's plans regarding the 1997 eight-hour ozone standard, and IERG it believes would be appropriate in situations where other NAAQS are revoked in the future.

Thank you for the opportunity and for your consideration of this testimony. And I would like to once again note how appreciative IERG is of the Board's efforts. I would be pleased to answer any questions.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL
REGULATORY GROUP

Dated: June 19, 2013

By: /s/ Alec M. Davis

One of Its Attorneys

Alec M. Davis
General Counsel
ILLINOIS ENVIRONMENTAL
REGULATORY GROUP
215 East Adams Street
Springfield, Illinois 62701
(217) 522-5512