

ILLINOIS POLLUTION CONTROL BOARD
SEPTEMBER 21, 2017

IN THE MATTER OF:)
)
NATIONAL AMBIENT AIR)
QUALITY STANDARDS, US) R-17-10
EPA REGULATIONS (July) (Identical-in-
1, 2016 through) Substance
December 31, 2016)) Rulemaking-Air)
)
)
)

REPORT OF THE PROCEEDINGS held in the above
entitled cause before Hearing Officer Michael
McCambrdige, called by the Illinois Pollution Control
Board, taken by Sylvia Gerut, CSR, for the State of
Illinois, 100 West Randolph Street, Chicago, Illinois,
on the 21st day of September, 2017, commencing at the
hour of 1:31 p.m.

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A P P E A R A N C E S

MR. MICHAEL MCCAMBRIDGE, Chairman

MR. GERALD KEENAN

ALSO PRESENT:

MS. ANNET GODIKSEN

MS. JACKIE SIMS

MS. BRENDA CARTER

MS. KATIE PAPADIMITIU

MS. KATIE KHAYYAT

MR. ROBERT KERR

1 MR. McCAMBRIDGE: Let's go on the record.
2 Let the record show that it's now 1:31. The schedule
3 hearing time was 1:30. This is the R-17-10 hearing in
4 the National Ambient Air Quality Standards update for
5 July 1, 2016 through December 31, 2016 with add dates of
6 March 20, 2017, May 11, 2017, and June 16, 2017.

7 This hearing is to fulfill a
8 requirement of federal law that the state conduct a
9 hearing on any SIP revision or at least offer to conduct
10 a hearing.

11 My name is Mike McCambridge.
12 I'm the hearing officer. With me here in Chicago is
13 board member Gerald Keenan. Could the board staff in
14 Springfield identify please for the record -- board
15 members and staff. I'm sorry.

16 MS. CARTER: Brenda Carter present.

17 MS. PAPADIMITIU: Katie Papadimitiu also
18 present.

19 MR. McCAMBRIDGE: I assume that there's agency
20 staff present. Could the agencies identify for the
21 record?

22 MS. GODIKSEN: Annet Godiksen, legal counsel.

23 MS. SIMS: Jackie SIMS with Air Quality Planning
24 Section and the Bureau of Air.

1 matter NAAQS, the primary NAAQS.

2 October 3, 2016, USEPA did some
3 extensive amendments to the exceptional events rule.

4 October 18, 2016, USEPA made a
5 determination that they were going to retain the 2008
6 primary and secondary NAAQS for lead without revision.
7 The board usually just notes those. Although they don't
8 result in any amendment.

9 March 20, 2017, USEPA adopted a
10 technical correction to an equation used for calculating
11 compliance with particulate matter standards.

12 May 11, 2017, USEPA updated the
13 list of designated reference and equivalent methods
14 which lists all the methods that have been approved
15 including the ones that I cited earlier.

16 June 16, 2017 -- I'm sorry,
17 June 16th they updated the list of equivalent methods.
18 On May 11th they designated a new equivalent method for
19 nitrogen dioxide.

20 And subsequent to the board
21 adoption, I can't recall the date of publication right
22 now, but the notes of proposed amendments appeared in
23 the Illinois register. And the board has since received
24 comments from the agency on the proposed amendments. I

1 would like -- well, first I'll ask do you have anything
2 to add at this point, Mr. Keenan?

3 MR. KEENAN: No.

4 MR. McCAMBRIDGE: Any board members in
5 Springfield have anything to add? Okay.

6 At this point I'd like to ask
7 the agency if it has anything to add to the comments
8 submitted on the 19th of September?

9 MS. SIMS: No not at this time.

10 MR. McCAMBRIDGE: Nothing to add?

11 MS. SIMS: No.

12 MR. McCAMBRIDGE: I do have a couple of
13 questions. You guys spotted something that I obviously
14 missed. The implementation rule that USEPA adopted,
15 USEPA amended 40 C.F.R. 50.13 which is the 2006 standard
16 if I am not mistaken. USEPA in fact the way the
17 amendment reads it says that this section or the
18 standard in this section will no longer apply. USEPA
19 apparently should have amended the 1997 standard which
20 is codified at 40 C.F.R. 50.7. Am I correct in this to
21 the best of the agency's knowledge?

22 MS. SIMS: Sorry. I'm reading the 40 C.F.R. 50.

23 MR. McCAMBRIDGE: Take your time. I did.

24 MS. SIMS: What I notice is that 50.7 and 50.13

1 are almost identical.

2 MR. McCAMBRIDGE: Well, the 50.7 was adopted by
3 USEPA in July of '97. And 50.13 was adopted by USEPA in
4 2006. So they appear to be the 1997 and 2006 standards
5 respectively which the board has codified as 243.120(b)
6 and 120(c).

7 Now, when USEPA amended or did
8 the 2006 -- the implementation rule for the 2012
9 standard, I'm sorry, they amended 50.13 which was the
10 2006 standard. Yet the federal registered discussion
11 focuses exclusively on the 1997 primary standard. And
12 this rule or the subsection (d) that they added
13 specifically references the 1997 NAAQS, primary NAAQS.

14 MS. SIMS: Right. It's the transition from the
15 previous standard to the new standard which is the 2012
16 PM 2.5.

17 MR. McCAMBRIDGE: But where USEPA has in other
18 places put a sunset provision for an older NAAQS, they
19 appended it to the older NAAQS instead of putting it in
20 the newer provision. And by its own language the USEPA
21 amendment says that this section no longer applies.

22 In fact the language is the
23 1997 primary annual PM 2.5 NAAQS set forth in this
24 section will no longer apply upon effective date.

1 So I read this to -- and it was
2 the agency comment that this should be -- what the board
3 has proposed is subsection (c)(4) should have been
4 proposed as subsection (b)(4). So I think the agency is
5 saying that USEPA erred here, am I correct?

6 MS. SIMS: Could you repeat that last sentence,
7 the USEPA did what?

8 MR. McCAMBRIDGE: I believe that the agency
9 suggesting in its comments that the board move what it
10 was proposed as subsection (c)(4) into subsection (b) as
11 subsection (b) (4), the agency is acknowledging that
12 USEPA erred in putting or amending the 2006 NAAQS by
13 adding this sunset provision, that the USEPA should have
14 actually amended 50.7.

15 MS. SIMS: You know, it's not clear if USEPA,
16 you know, made the error or not. To me it's unclear if
17 50.7 is for 2006 standard and the 50.13 is for the 97
18 standard.

19 MR. McCAMBRIDGE: Vice-versa. 50.7 is the 97
20 standard, and 50.13 is the 2006 standard.

21 MS. SIMS: Okay. We can check into that further
22 and get back to you on that. I didn't look at the
23 implementation rule.

24 MR. McCAMBRIDGE: Okay. And it's obvious from

1 that answer that the answer to my second question is no,
2 and that was is the agency aware of any USEPA intent to
3 make that correction.

4 So obviously that's not -- is
5 there anyone else here that wishes to make a statement
6 for the record? Springfield? Nobody?

7 MS. SIMS: No.

8 MR. McCAMBRIDGE: Okay. I anticipate that the
9 board will consider adoption of final amendments on
10 this. I believe the comment period is up October 6th or
11 some time thereabout.

12 I anticipate that the board
13 would be considering adoption of final amendments
14 probably at the second board meeting in October which I
15 believe is October 20th -- or 19th.

16 MR. KEENAN: 19th.

17 MR. McCAMBRIDGE: Or 19th. Okay. I stand
18 corrected. So if the agency has anything to add to what
19 the agency has already submitted, if the agency wishes
20 to address any of the concerns that I've raised here
21 today, please do so promptly. I will not be here after
22 October 12th for a long time.

23 MR. KEENAN: Not forever.

24 MR. McCAMBRIDGE: I'll come back from the dead

1 just for you.

2 MR. KEENAN: That I appreciate. Let the record
3 reflect --

4 MR. McCAMBRIDGE: Seeing that no one has
5 anything else to add to the record, I adjourn this
6 hearing.

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