

ILLINOIS POLLUTION CONTROL BOARD
January 29, 2018

IN THE MATTER OF:)
)
AMENDMENTS TO 35 ILL. ADM. CODE) R18-20
225.233, MULTI-POLLUTANT) (Rulemaking - Air)
STANDARDS (MPS))

HEARING OFFICER ORDER

Today's order sets forth deadlines for pre-filing testimony and questions for the hearing scheduled for March 6, 2018 and if necessary March 7, 2018 in Edwardsville. On January 24 and 25, 2018, the Board received the transcripts from the hearings held in Peoria. At those hearings on January 17 and 18, 2018, participants discussed deadlines for the filings for the next hearing. Parties agreed that any new or additional testimony in this proceeding should be filed by February 6, 2018. Responses to questions from the January hearings, as well as additional information requested at those hearings will be filed by February 16, 2018. Prefiled questions on all those filings must be filed by March 2, 2018.

After reviewing the transcript, the Board has one issue it wishes to bring to the participants' attention so that participants may address it in filed testimony and during the March 6 and 7 hearings in Edwardsville. The Board plans to file additional questions by the March 2, 2018, deadline. The Board poses the following query to all participants:

In responses to the Board's pre-filed questions, Dynegy cited testimony by Dr. Lisa Bradley, a toxicologist, in a previous proceeding for a variance from the MPS. Dynegy Resp. at 2-3. Dr. Bradley conducted a review of the health effects of the proposed variance and testified on issues including the impact of SO₂ emissions resulting from the proposed variance limits and the health effects of SO₂ exposure. See Illinois Power Holdings, LLC and Amerenenergy Medina Valley Cogen, LLC and Ameren Energy Resources, LLC v. IEPA, PCB 14-10, slip op. at 22-24 (Nov. 21, 2013). In PCB 14-10, the Board found nothing in the record to undercut Dr. Bradley's testimony that:

USEPA's Integrated Science Assessment for Sulfur Oxides^[Fn. 13] concluded that epidemiological studies do not provide sufficient evidence to suggest a causal relationship between long-term exposure to SO₂ and asthma, bronchitis, or respiratory systems. Tr. at 79-80. Dr. Bradley concludes that there would be "no adverse health impact as a result of implementing the requested variance and proposed compliance plan." Tr. at 80. See Illinois Power Holdings, LLC and AmerenEnergy Medina Valley Cogen, LLC and Ameren Energy Resources, LLC v. IEPA, PCB 14-10, slip op. at 89 (Nov. 21, 2013).

Fn: 13 *Integrated Science Assessment for Sulfur Oxides-Health Criteria*, EPA-600/R-08/047F (Sept. 2008).

The currently proposed revisions to the Board's MPS regulations substantively differ from those in the previous variance request (PCB 14-10). PCB 14-10 was before the Board over four (4) years ago. Accordingly, does Dynegy, IEPA, or any other participants plan to provide testimony at the next hearings, which are scheduled in Edwardsville in March 2018, to address the proposed rules' potential health effects from exposure to SO₂ and NO_x emissions from MPS sources? Additionally, does Dynegy, IEPA, or any other participants plan to address the potential health concerns raised by numerous public comments, both oral and written, that have been addressed to the Board?

IT IS SO ORDERED.



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