

ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:) R19-14
NATIONAL AMBIENT AIR) (Consolidated:
QUALITY STANDARDS, USEPA) R20-3 and R20-11)
REGULATIONS (JULY, 2018)
THROUGH DECEMBER 31, 2018))

REPORT OF THE PROCEEDINGS held in the above entitled cause before Hearing Officer Michael McCambridge, called by the Illinois Pollution Control Board, taken by Kari Wiedenhaupt, CSR, for the State of Illinois, 100 West Randolph Street, Chicago, Illinois, on the 16th Day of July 2020, commencing at the hour of 11:52 a.m.

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A P P E A R A N C E S

MS. BARBARA FLYNN CURRIE, Chairman

MS. BRENDA CARTER, Board Member

ALSO PRESENT:

MR. MICHAEL McCAMBRIDGE, Hearing Officer

MS. MARIE TIPSORD, IPCB

MR. TIM FOX, IPCB

ANNET GODIKSEN, IEPA

SHANNON BILBRUCK, IPCB

DANIEL PAULEY, IPCB

ANDREW RUSSO, IEPA

BRAD HALLORAN, IPCB

BRENDAN KILLIAN, IPCB Intern

CHLOE CUMMINGS, IPCB

DANA VETTERHOFFER, IEPA

ESSENCE BROWN, IPCB

JARED BLACK, IPCB Intern

PAUL GRABOWSKI, IPCB

DON BROWN, Clerk of the IPCB

VANESSA HORTON, IPCB

1 MS. TIPSORD: My name is Marie
2 Tipsord. I am general counsel with the Pollution
3 Control Board, and I'm going to open the hearing
4 in the James R. Thompson Center. Our hearing
5 officer, Michael McCambridge, is joining us via
6 WebEx, and with that, I am going to turn this over
7 to Mr. McCambridge.

8 Mike, go ahead and proceed.
9 And, Mike, don't forget to record this.

10 HEARING OFFICER McCAMBRIDGE: Who is
11 recording?

12 MS. TIPSORD: You will have to.
13 You're the host.

14 HEARING OFFICER McCAMBRIDGE: Okay.
15 Where do I record? Oh, I see. Recorder. Okay.
16 Record. Okay.

17 Let the record show that it's
18 now 11:52 on a hearing that was noticed for
19 11:45 a.m. today. This is a hearing being held to
20 satisfy federal SIP requirements because the end
21 product of this rulemaking will be a SIP revision.

22 Again, I am the hearing officer.
23 My name is Mike McCambridge. The Board Member
24 assigned to this is Ms. Currie, who is on the

1 WebEx, or she is participating remotely.

2 Marie, are you the only person
3 in the Chicago office?

4 MS. TIPSORD: Tim Fox is also here.

5 HEARING OFFICER McCAMBRIDGE: Tim
6 Fox is also there. Okay.

7 Could the people in the
8 Springfield office identify for the record?

9 MS. GODIKSEN: Annet Godiksen for
10 the Illinois Environmental Protection Agency.

11 MS. BILBRUCK: Shannon Bilbruck with
12 the Board.

13 HEARING OFFICER McCAMBRIDGE: Okay.
14 Is -- are those the only people present in
15 Springfield?

16 MS. BILBRUCK: Yes.

17 HEARING OFFICER McCAMBRIDGE: Okay.

18 To make this easy, I will ask the participants I
19 see remote to identify them -- ourselves as I name
20 them from my screen.

21 Daniel Pauley, you are present
22 remotely?

23 MR. PAULEY: Yes. Present remotely.

24 HEARING OFFICER McCAMBRIDGE: Okay.

1 And you are an attorney for the Board.

2 We have Andrew Rus- -- Russo.

3 You are present remotely?

4 MR. RUSSO: I am an engineer with
5 the Illinois EPA.

6 HEARING OFFICER McCAMBRIDGE: I'm
7 sorry? And you are with the Agency?

8 MR. RUSSO: Yes.

9 HEARING OFFICER McCAMBRIDGE: Okay.
10 Very good. I have already identified Ms. Currie.
11 Can you verify that you are there?

12 CHAIRMAN CURRIE: I am indeed.

13 HEARING OFFICER McCAMBRIDGE: The
14 Chairman of the Board, and one of the attending
15 Board Members.

16 We have Brad Halloran with the
17 Board. Can you identify or verify?

18 MR. HALLORAN: Yes. Thank you,
19 Mr. McCambridge. I am here.

20 HEARING OFFICER McCAMBRIDGE: Okay.
21 We have Board Member Brenda Carter participating
22 remotely. Could you verify?

23 BOARD MEMBER CARTER: I am here,
24 Mike.

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1 HEARING OFFICER McCAMBRIDGE: One of
2 the Board Members.

3 MR. KILLIAN: Brendan Killian,
4 can you verify and identify?

5 MR. KILLIAN: Yes. Hi.

6 HEARING OFFICER McCAMBRIDGE: Okay.
7 And you are one of the Board's interns?

8 MR. KILLIAN: Correct, yes.

9 HEARING OFFICER McCAMBRIDGE: We
10 have Chloe Cummings with the Board?

11 MS. CUMMINGS: Yep, I'm here.

12 HEARING OFFICER McCAMBRIDGE: Okay.
13 Dana Vetterhoffer with the Agency, I believe?

14 MS. VETTERHOFFER: Yes, I am here.

15 HEARING OFFICER McCAMBRIDGE: Okay.
16 Essence Brown with the Board?

17 MS. BROWN: Here.

18 HEARING OFFICER McCAMBRIDGE: Okay.
19 Jared Black, one of the Board's interns?

20 MR. BLACK: Yes, I am here.

21 HEARING OFFICER McCAMBRIDGE: Okay.
22 And the Board IT person, Paul Grabowski.

23 MR. GRABOWSKI: I am here at JRTC.

24 HEARING OFFICER McCAMBRIDGE: Okay.

1 And I have Don Brown, the Clerk of the Board. Are
2 you there, Don? Oh, I see a DB box here, but I
3 don't get verification. Now I have a box that I
4 can't read. Oh, Vanessa Horton is down here.
5 Attorney for the Board, yes?

6 MS. HORTON: I am here. I am
7 present.

8 HEARING OFFICER McCAMBRIDGE: So you
9 acknowledge --

10 MS. HORTON: I do.

11 HEARING OFFICER McCAMBRIDGE: Okay.
12 Now I have a call-in user 3. Could that person
13 identify?

14 MR. DAVIS: That might be me. Rory
15 Davis with the Illinois EPA.

16 HEARING OFFICER McCAMBRIDGE: Okay.

17 MR. DAVIS: I'm not --

18 HEARING OFFICER McCAMBRIDGE: Okay.

19 I have a box --

20 MR. DAVIS: I had one.

21 HEARING OFFICER McCAMBRIDGE: I have
22 a box with your name on it. I don't know how I
23 missed it. These things shuffle as we go.

24 But there are two boxes here

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1 that I can't quite --

2 MR. BROWN: You know, it might --

3 HEARING OFFICER McCAMBRIDGE: I'm
4 sorry? Don is --

5 MR. BROWN: This is Don.

6 HEARING OFFICER McCAMBRIDGE: --
7 acknowledged, but there are two other boxes open
8 here that I can't identify. One is call-in user
9 3, and the other I can't read because of the
10 record -- the recorder button, and I don't want to
11 mess with that.

12 Does anyone else wish to
13 identify for the record?

14 CHAIRMAN CURRIE: You certainly
15 named everybody that's showing up on my screen.

16 HEARING OFFICER McCAMBRIDGE: Okay.
17 Yeah, call-in user 3 then. There's something
18 underneath the recorder here, and that was
19 Chairman Currie that just spoke, correct?

20 CHAIRMAN CURRIE: Yes. Just to say
21 that it looks to me as if we've covered --

22 HEARING OFFICER McCAMBRIDGE: Okay.

23 CHAIRMAN CURRIE: -- everybody
24 that's listed as a participant on my screen.

1 HEARING OFFICER McCAMBRIDGE: Okay.
2 Very good. It's a little tedious, I know, but
3 with everybody being remote, I wanted to make sure
4 it was clear.

5 CHAIRMAN CURRIE: Sure.

6 HEARING OFFICER McCAMBRIDGE: The
7 Board -- this is the R19-14 (R20-3, R20-11)
8 Consolidated National Ambient Air Standards or
9 NAAQX -- or NAAQS update. It covers the first
10 half or second half of 2 -- 2018 and the first and
11 second halves of 2019.

12 During the period, USEPA,
13 October 16th, 2018, had air designations under the
14 2015 NAAQS for ozone for -- the USEPA corrected
15 earlier actions in which it had excluded McHenry
16 and Monroe counties. They add it with the
17 October 16th action, and the Board -- no Board
18 action is required on that.

19 December 27th, 2018, USEPA
20 redesignated areas in Illinois formerly
21 unclassifiable as unclassifiable attainment for
22 the 2012 primary annual average NAAQS for fine
23 particulates. March 18th, 2019, the USEPA decided
24 to retain the existing 2010 primary NAAQS for

1 sulfur dioxide. No Board action is required on
2 that one.

3 On March 29th, 2019, USEPA
4 designated a new federal equivalent method for
5 ozone in ambient air. The Board has to
6 incorporate that method into the rules.

7 May 28th, 2019, USEPA res- --
8 designated the Metro East area to attainment for
9 the 1997 primary and secondary NAAQS for fine
10 particulates. That means that it -- that NAAQS no
11 longer applies within Illinois, and this action
12 would remove the 1997 primary and annual average
13 NAAQS for PO -- or for fine particulates from the
14 Illinois rules.

15 May 28th, 2019, USEPA
16 incorporated or it designated a new federal
17 reference method for carbon monoxide and ambient
18 air. The Board has to include that in the
19 Illinois rules.

20 August 23rd, 2019, USEPA
21 reclassified the Chicago/Naperville area from
22 moderate to serious non-attainment for the 2008
23 primary and secondary NAAQS for ozone.

24 September 13th, 2019, USEPA

1 reconsidered its 2016 definition of Williamson
2 County as non-attainment for the 2010 NAAQS for
3 SO2 and designated that -- that county as
4 attainment for the NAAQS for sulfur dioxide.

5 That means as a result of that
6 action, the only area in Illinois to which the
7 sulfur dioxide, the NAAQS would apply, is Macon
8 County, and the Board has proposed revising the
9 rule to reflect that.

10 September 26th, 2019, USEPA
11 incorporated -- or designated a new federal
12 reference method for nitrogen dioxide in the
13 ambient air. The Board needs to change the rules
14 to reflect that.

15 Now, on December 15th, 2019,
16 USEPA updated its list of designated reference and
17 equivalent methods. The result of that update is
18 that it incorporates all of the March 29th, 2019,
19 28th, 2019, and September 26, 2019 federal actions
20 into this document. So the Board's update of the
21 incorporation by reference of that document will
22 incorporate all three of those federal changes.

23 The -- I didn't say it, but the
24 Board's May 21st, 2020 proposal for public comment

1 appears -- appeared in the June 5th, 2020 Illinois
2 Register. That started the public comment period.
3 That public comment period would end 45 days later
4 on July 20th. However, I am going to extend that
5 to allow two weeks after this hearing for people
6 to submit any comments resulting from this hearing
7 so that the public comment period would end on
8 August 31st of this year just over two weeks from
9 now.

10 So far the Board has received
11 public comments from JCAR, which included just
12 some minor correction to the -- well, it
13 basically -- a very minor correction reflecting
14 inapplicability outside -- in Illinois outside of
15 Macon County.

16 We also received comments from
17 the Illinois EPA and basically, Illinois EPA
18 pointed out an error in the opinion that will be
19 corrected. It relates to the 1997 primary and
20 secondary NAAQS for PM 2, fine particulates.

21 And that's all I have on this,
22 besides the target right now is to put this
23 rulemaking for final adoption on the Board's
24 agenda. I believe that date is August 13th, 2020.

1 So make sure that any comments that are wanted are
2 submitted before the close of public comment
3 period on August 31st of this month or next
4 month -- or July 31st. I'm sorry. July 31st is
5 the deadline. Make sure comments are in by that
6 time.

7 Now, does anyone wish to add to
8 the record? Please identify yourself, and state
9 what you wish to add.

10 Anyone in Chicago?

11 MS. TIPSORD: No one.

12 HEARING OFFICER McCAMBRIDGE: Seeing
13 nobody?

14 MS. TIPSORD: No.

15 HEARING OFFICER McCAMBRIDGE:

16 Anybody in the Springfield office?

17 MS. GODIKSEN: I have a question.

18 This is Annet Godiksen with the Agency.

19 HEARING OFFICER McCAMBRIDGE: Yes.

20 MS. GODIKSEN: In our comments
21 that -- in our comments that we filed, we asked
22 for clarification for Questions 1 and 2, which we
23 didn't quite understand. Do you have that
24 clarification?

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1 HEARING OFFICER McCAMBRIDGE: Not --
2 not right at the moment. I was seeking --

3 THE COURT REPORTER: I can't hear
4 you. I'm sorry. Mr. McCambridge, could you say
5 that again?

6 HEARING OFFICER McCAMBRIDGE: You
7 wish what repeated?

8 THE COURT REPORTER: Your answer.
9 At the beginning it was blocked out by noise. So
10 I'm sorry. Could you --

11 HEARING OFFICER McCAMBRIDGE: Okay.
12 Not at this moment. I looked at them. I do know
13 that the two questions sought clarification in an
14 area where the Board does not directly participate
15 with USEPA, as does the Agency.

16 And if you wish, I will pull
17 that up here and take a second look. Let me see
18 here, if this thing could just respond to me
19 positively. Okay. That's a little slow here
20 because of bandwidth problems, but I -- there we
21 go. Okay. There we go. I've got the text now.

22 The two Board's questions were:
23 Do USEPA area -- Agency designations to ozone, the
24 ozone NAAQS, have any impact on the effect of the

1 ozone NAAQS? Do USEPA's area designations for the
2 2012 NAAQS for fine particulate have any effect on
3 the 1987 or 1997 NAAQS?

4 MS. GODIKSEN: Yes.

5 HEARING OFFICER McCAMBRIDGE: Those
6 were the questions. As far as I know, to inform
7 the Board, there are no revocation clauses in the
8 ozone NAAQS. So they can remain effective,
9 notwithstanding updated NAAQS at issue, until
10 USEPA expressly removes them from the rules, or I
11 think once with ozone the revocation occurred
12 through the implementation rule. The question was
13 basically to clarify that understanding.

14 Does the Agency wish to offer
15 anything to clarify or does that -- first off, the
16 question is -- the first question is, does that
17 clarify the question?

18 MS. GODIKSEN: Rory, do you -- does
19 that clarify anything for you? Rory, can you hear
20 me?

21 THE COURT REPORTER: Who was
22 speaking?

23 MR. DAVIS: Rory Davis.

24 MS. GODIKSEN: Oh, Annet Godiksen

1 with the Agency.

2 THE COURT REPORTER: Thank you.

3 MS. GODIKSEN: Rory, did that
4 clarify the question?

5 MR. DAVIS: This is Rory Davis with
6 the Illinois EPA. I believe it does. If -- if
7 the question is -- well, I guess not. So is the
8 question about newly desig- -- new designations
9 having impact on old NAAQS if they have not been
10 revoked?

11 HEARING OFFICER McCAMBRIDGE: Right.
12 Many of the other NAAQS are structured so that
13 they are revoked by operational law when some --
14 something else occurs, like USEPA designating an
15 area or, you know, I can't remember. There was
16 another thing that caused it.

17 But I don't see that in the
18 ozone NAAQS. So that the ozone NAAQS, older ozone
19 NAAQS, remain effective until such time as USEPA
20 takes some express action to revoke them, and I
21 have seen that occur -- I think I saw it occur
22 once through the implementation rule.

23 Am I correct in what I am
24 saying?

1 MR. DAVIS: I believe you are, but I
2 will have to -- we will have to check on -- you
3 know, we can look at the record, too, the
4 transcripts. I believe that's true. I don't want
5 to commit right now to answering that, but --

6 HEARING OFFICER McCAMBRIDGE: Okay.

7 MR. DAVIS: I believe that's -- I
8 believe you're correct. But let us double
9 check --

10 HEARING OFFICER McCAMBRIDGE: Okay.

11 MR. DAVIS: -- in the instance of
12 the ozone and the PM. So it's the same question
13 in the second question also.

14 HEARING OFFICER McCAMBRIDGE: Well,
15 the second question is a little more specific, the
16 two specific -- the 1987 and 1997 NAAQS for fine
17 particulates.

18 Do the area designations involve
19 your -- affect those NAAQS? And I am trying to --
20 right off the top, I know that it was sulfur
21 dioxide and one other NAAQS that were in this
22 rulemaking were partially revoked as to Illinois.
23 I don't remember right off the top of my head
24 right now what that other NAAQS was, but the basic

1 question was, does the area designation with the
2 2012 NAAQS affect -- or for fine particulates
3 affect the '87 or '97 NAAQS for fine particulates?

4 MR. DAVIS: I don't believe so, but
5 we -- the Agency will double check, and now with
6 the clarification of the question, we will --

7 HEARING OFFICER McCAMBRIDGE: As I
8 mentioned, because the Agency participates
9 directly with USEPA on state authorizations,
10 sometimes it's desirable to seek clarification
11 from the Agency, and this is one of those
12 instances. And that was why those two questions
13 were posited.

14 And does -- if that -- if that
15 offers the clarity, we can continue from here and
16 leave the subject. Does it?

17 MR. DAVIS: I believe so, yes.

18 HEARING OFFICER McCAMBRIDGE: Okay.
19 Very good. Does anyone else have anything to ask
20 or -- or to submit to the record?

21 (No response.)

22 HEARING OFFICER McCAMBRIDGE: Nobody
23 in either of the Board's offices and nobody
24 participating remotely?

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(No response.)

HEARING OFFICER McCAMBRIDGE: Okay.
Hearing and seeing none, we will adjourn this --
we will adjourn the hearing on the Consolidated
R19-14 (R20-3, R20-11) NAAQS updates, and thank
you all for your participation.

(END OF PROCEEDINGS.)

1 I, KARI WIEDENHAUPT, do hereby certify that
2 the foregoing was reported by stenographic and
3 mechanical means, which matter was held on the
4 date, and at the time and place set out on the
5 title page hereof and that the foregoing
6 constitutes a true and accurate transcript of
7 same.

8 I further certify that I am not related to
9 any of the parties, nor am I an employee of or
10 related to any of the attorneys representing the
11 parties, and I have no financial interest in the
12 outcome of this matter.

13 I have hereunder subscribed my hand on the
14 ____ day of _____, 2020.

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KARI WIEDENHAUPT, CSR

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<p>A</p> <p>a.m 1:16 3:19 accurate 20:6 acknowledge 7:9 acknowledged 8:7 action 9:17,18 10:1,11 11:6 16:20 actions 9:15 11:19 add 9:16 13:7,9 adjourn 19:3,4 adoption 12:23 affect 17:19 18:2 18:3 Agency 4:10 5:7 6:13 13:18 14:15,23 15:14 16:1 18:5,8,11 agenda 12:24 ahead 3:8 air 1:5 9:8,13 10:5 10:18 11:13 allow 12:5 ambient 1:5 9:8 10:5,17 11:13 Andrew 2:13 5:2 Annet 2:10 4:9 13:18 15:24 annual 9:22 10:12 answer 14:8 answering 17:5 Anybody 13:16 appeared 12:1 appears 12:1 applies 10:11 apply 11:7 area 10:8,21 11:6 14:14,23 15:1 16:15 17:18 18:1 areas 9:20 asked 13:21 assigned 3:24 attainment 9:21 10:8 11:4</p>	<p>attending 5:14 attorney 5:1 7:5 attorneys 20:10 August 10:20 12:8 12:24 13:3 authorizations 18:9 average 9:22 10:12</p> <p>B</p> <p>bandwidth 14:20 BARBARA 2:3 basic 17:24 basically 12:13,17 15:13 beginning 14:9 believe 6:13 12:24 16:6 17:1,4,7,8 18:4,17 Bilbruck 2:11 4:11,11,16 Black 2:19 6:19 6:20 blocked 14:9 Board 1:2,13 2:4 3:3,23 4:12 5:1 5:14,15,17,21,23 6:2,10,16,22 7:1 7:5 9:7,17,17 10:1,5,18 11:8 11:13 12:10 14:14 15:7 Board's 6:7,19 11:20,24 12:23 14:22 18:23 box 7:2,3,19,22 boxes 7:24 8:7 Brad 2:14 5:16 Brenda 2:4 5:21 Brendan 2:15 6:3 Brown 2:18,21 6:16,17 7:1 8:2 8:5 button 8:10</p>	<p>C</p> <p>C 2:1 call-in 7:12 8:8,17 called 1:12 carbon 10:17 Carter 2:4 5:21 5:23 cause 1:11 caused 16:16 Center 3:4 certainly 8:14 certify 20:1,8 Chairman 2:3 5:12,14 8:14,19 8:20,23 9:5 change 11:13 changes 11:22 check 17:2,9 18:5 Chicago 1:15 4:3 13:10 Chicago/Naper... 10:21 Chloe 2:16 6:10 clarification 13:22 13:24 14:13 18:6,10 clarify 15:13,15 15:17,19 16:4 clarity 18:15 clauses 15:7 clear 9:4 Clerk 2:21 7:1 close 13:2 commencing 1:16 comment 11:24 12:2,3,7 13:2 comments 12:6,11 12:16 13:1,5,20 13:21 commit 17:5 Consolidated 1:5 9:8 19:4 constitutes 20:6 continue 18:15 Control 1:2,13 3:3</p>	<p>correct 6:8 8:19 16:23 17:8 corrected 9:14 12:19 correction 12:12 12:13 counsel 3:2 counties 9:16 county 11:2,3,8 12:15 COURT 14:3,8 15:21 16:2 covered 8:21 covers 9:9 CSR 1:13 20:21 Cummings 2:16 6:10,11 Currie 2:3 3:24 5:10,12 8:14,19 8:20,23 9:5</p> <p>D</p> <p>Dana 2:17 6:13 Daniel 2:12 4:21 date 12:24 20:4 Davis 7:14,15,17 7:20 15:23,23 16:5,5 17:1,7,11 18:4,17 day 1:15 20:14 days 12:3 DB 7:2 deadline 13:5 December 1:8 9:19 11:15 decided 9:23 definition 11:1 desig- 16:8 designated 10:4,8 10:16 11:3,11,16 designating 16:14 designation 18:1 designations 9:13 14:23 15:1 16:8 17:18</p>	<p>desirable 18:10 dioxide 10:1 11:4 11:7,12 17:21 directly 14:14 18:9 document 11:20 11:21 Don 2:21 7:1,2 8:4 8:5 double 17:8 18:5</p> <p>E</p> <p>E 2:1,1 earlier 9:15 East 10:8 easy 4:18 effect 14:24 15:2 effective 15:8 16:19 either 18:23 employee 20:9 engineer 5:4 entitled 1:11 Environmental 4:10 EPA 5:5 7:15 12:17,17 16:6 equivalent 10:4 11:17 error 12:18 Essence 2:18 6:16 everybody 8:15 8:23 9:3 excluded 9:15 existing 9:24 express 16:20 expressly 15:10 extend 12:4</p> <p>F</p> <p>far 12:10 15:6 federal 3:20 10:4 10:16 11:11,19 11:22 filed 13:21 final 12:23</p>
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