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APPEARANCES:

HEARING TAKEN BEFORE:

ILLINOIS POLLUTION CONTROL BOARD
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Appeared on behalf of Respondent.

ALSO PRESENT:

Anand Rao and Lisa Liu.

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1 HEARING OFFICER HALLORAN: Good
2 morning. My name is Bradley Halloran. I'm a
3 hearing officer with the Illinois Pollution
4 Control Board and I'm also assigned to this
5 matter and this matter is the petition of
6 Argonne National Laboratory for an adjusted
7 standard from 35 Illinois Administrative Code
8 218.180 documented by the Board of adjusted
9 standard 3-04.

10 Today is Tuesday, September 16th the
11 year 2003. It's approximately 10:35. I note
12 aside from the parties and the witnesses, there
13 do not appear and, in fact, there are not any
14 members of the public present, but we are
15 privileged to have with us Anand Rao and Lisa
16 Liu from the technical unit of the Illinois
17 Pollution Control Board. They may or may not
18 be asking questions later of the witnesses.

19 The hearing was scheduled and noticed
20 pursuant to section 104.400, subpart D of the
21 Board's procedural rules and will be governed
22 in accordance with section 101.600 of the
23 Board's procedural rules. Also note for the
24 record this hearing is intended to develop a

1 record for review by the seven members of the
2 Illinois Pollution Control Board. I will not
3 be making the ultimate decision in this case.
4 That's left to the seven members of the Board.
5 They will review the transcript of this
6 proceeding and the remainder of the record and
7 will render a decision.

8 My job is to ensure an orderly hearing
9 and a clear record and to rule on any
10 evidentiary matters that may arise. After the
11 hearing, the parties may have an opportunity
12 to -- they will have an opportunity to submit
13 posthearing briefs and also we'll hold a public
14 comment period.

15 With that said, Mr. Luck for
16 petitioner, would you like to introduce
17 yourself, please?

18 MR. LUCK: Yes. My name is William
19 Luck. I'm assistant general counsel at Argonne
20 National Laboratory. I'm here representing the
21 University of Chicago. The University of
22 Chicago is the operator of Argonne National
23 Laboratory. The site is run by the United
24 States government. We have a contract to

1 operate the laboratory with the United States
2 Department of Energy. Gloria
3 Wallick (phonetic) who's here this morning is
4 representing the United States Department of
5 Energy in this proceeding.

6 Argonne National Laboratory is seeking
7 an adjusted standard from the cold cleaning
8 rule provisions at 35 Illinois Administrative
9 Code 218.182. For many common garden variety
10 applications, we are able to use compliant
11 solvents that meet the 1 millimeter vapor
12 pressure standard, but there are a number of
13 applications involving research activities and
14 equipment that's used to do research at the
15 laboratory for which it's not possible for the
16 laboratory to use solvents compliant with the
17 1 millimeter vapor pressure standard.

18 There are a couple of regulatory
19 exceptions in the regulation, but those are not
20 feasible for Argonne. Wipe cleaning, which is
21 allowed under the regulations, leaves a residue
22 which interferes with certain research
23 applications and while there is an exception in
24 the regulations for electronic component

1 cleaning, there are pieces of equipment and an
2 associated apparatus that don't meet the
3 definition of electronic component which make
4 that exception unavailable to the laboratory.

5 So as a result, Argonne is proposing an
6 adjusted standard to enable it to conduct its
7 activities and I'm going to read from our
8 petition as to what the standard is that we're
9 proposing. The adjusted standard from 35
10 Illinois Administrative Code 218.182 applies to
11 Argonne National Laboratory, a research
12 laboratory located in Aurora Falls Land Forest
13 Preserve in DuPage County, Illinois.

14 The requirements of this adjusted
15 standard shall apply only to cold cleaning
16 involving the preparation of sample materials
17 and associated apparatus used for research and
18 development testing and analysis activities.
19 These activities are subject to the following
20 requirements: One, the research and
21 development related cleaning activities
22 include, but are not limited to, washing and
23 rinsing slides, drying glassware, sample
24 preparation, specimen cleaning, gel

1 stain/destaining, membrane rinsing and the
2 cleaning of small parts and equipment
3 associated with the preparation of sample
4 materials for testing and analysis; two, the
5 requirements of this adjusted standard do not
6 apply when the solvents meeting the vapor
7 pressure limits of 35 Illinois Administrative
8 Code 218.182 can be used without compromising
9 the quality of the equipment being used or the
10 validity of research results.

11 This standard was arrived at after
12 Argonne had consultations with the Illinois
13 Environmental Protection Agency. The two
14 entities worked together in developing the
15 standard. Argonne believes that the factors
16 relating to Argonne are significantly different
17 from the factors relied upon in the adoption
18 of the regulation. More specifically -- I'm
19 sorry. And we also believe that the impact on
20 the environment from the adjusted standard
21 would not be significant particularly when
22 compared to the impacts for some solvents that
23 are used for other routine and research and
24 development activities.

1 It's also the case that the adjusted
2 standard would not be inconsistent with any
3 provision of federal law and all of those three
4 points are expanded upon somewhere in our
5 petition. Mr. Gregory Barrett who's with
6 Argonne's regulatory compliance group has
7 prepared testimony addressing the expected
8 Argonne National Laboratory activities that
9 would be subject to the adjusted standard and
10 the impacts that would be anticipated from
11 those activities and that testimony has been
12 prefiled, but we're also submitting it today
13 and Mr. Barrett is here to take the stand and
14 to answer questions.

15 HEARING OFFICER HALLORAN: Thank you,
16 Mr. Luck.

17 Ms. Doctors of the IEPA, would you like
18 to introduce yourself and opening statement?

19 MS. DOCTORS: Good morning. My name is
20 Rachel Doctors and I am representing the
21 Illinois Environmental Protection Agency in
22 this matter. The Illinois EPA has reviewed
23 Argonne's petition for an adjusted standard
24 from the requirements of cold cleaning

1 degreaser rule act, 35 Illinois Administrative
2 Code 218.182. They requested an adjusted
3 standard for certain activities.

4 The Illinois EPA is recommending that
5 the Board grant the requested relief. As
6 further explained in Mr. Rogers' prefiled
7 testimony and the Agency's recommendation, the
8 Agency believes relief is warranted because
9 this facility has met the required levels
10 pursuant to section 28.1 of the Illinois
11 Environmental Protection Act. The agency
12 believes the petitioner has demonstrated that
13 there are factors that are significantly and
14 substantially different than those relied upon
15 by the Board when it adopted this regulation.

16 Argonne is a research and development
17 laboratory. Certain activities require that
18 surfaces be completely free of residual
19 contamination. Argonne presented information
20 and documentation necessary for the Agency to
21 conclude that there are no technically feasible
22 or economically reasonable alternatives
23 available for compliance with this rule. The
24 Illinois EPA also agrees with the petitioner

1 that the estimated additional 1 ton per year
2 of -- excuse me -- estimated emissions of --
3 the Illinois EPA also agrees with the
4 petitioner that its estimated additional
5 emissions of 1 ton of volatile organic material
6 is minimal, hence, the environmental impact
7 from the adjusted standard will be minimal.

8 The cold cleaning degreasing rules are
9 part of Illinois' rate of SIP, State
10 Implementation Plan, for achieving the one hour
11 ozone national ambient air quality standard in
12 the Chicago ozone nonattainment area. If the
13 Board grants this petition, the result in
14 adjusted standard will be submitted by the
15 Illinois EPA to U.S. EPA as a SIP provision.

16 As a preliminary matter, the Illinois
17 EPA has discussed the proposed adjusted
18 standard with U.S. EPA and they have agreed
19 that this seems appropriate. The Agency
20 requests at this time that Mike Rogers'
21 prefiled testimony be admitted into the record
22 as read. He is also available to answer any
23 additional questions that the Board may have.

24 HEARING OFFICER HALLORAN: Thank you

1 and I'll address that motion and request when
2 Mr. Rogers takes the stand.

3 With that said, Mr. Luck, would you
4 like to call your first and I think only
5 witness to the stand and the court reporter
6 will swear him in, please.

7 GREGORY BARRETT,
8 having been first duly sworn, was examined and
9 testified as follows:

10 EXAMINATION

11 by Mr. Luck

12 Q. Can you tell us your name, please?

13 A. My name is Gregory Barrett.

14 Q. And you're employed where?

15 A. I'm employed at Argonne National
16 Laboratory in the environmental compliance
17 group.

18 Q. And can you say just a little bit about
19 what you do in that capacity?

20 A. My primary responsibility in the group
21 is to ensure that the laboratory is in
22 compliance with all federal and state
23 regulations derived from the Clean Air Act.

24 Q. And can you say a little bit about how

1 you may interact with other operating groups
2 within the laboratory?

3 A. My primary responsibility with respect
4 to research and other operating divisions is to
5 ensure that their day-to-day activities and
6 future activities are evaluated to ensure that
7 we will comply with current and future federal
8 and state regulations.

9 Q. So when the regulation came out and was
10 about to become effective, did you have some
11 communication with the other operating
12 divisions within the laboratory at that time?

13 A. Yes, I did. Back in 1997 when we
14 realized what the impact of the cold cleaning
15 rule would have on our operations, we started
16 interacting with research and operations group
17 there to alert them to the potential problems
18 we might have with not being able to use
19 solvents with vapor pressures that would be
20 prohibited by the cold cleaning rule.

21 Q. And can you describe what kind of
22 responses you might have gotten from some of
23 those groups?

24 A. We were successful in some operations.

1 A lot of the routine operations at the
2 laboratory machine shops, automotive
3 maintenance, these operations were already able
4 to use solvents that would comply with the
5 upcoming regulations.

6 Also with some of the research groups,
7 we were able to evaluate their operations and
8 get them to substitute to a solvent that would
9 comply with both the 2 millimeter and
10 1 millimeter vapor pressure limits. However,
11 for some which involved sample preparation also
12 with a number of groups that deal with
13 accelerators, it became apparent that they were
14 not going to be able to find an acceptable
15 substitute that they could use without
16 compromising the research and the equipment
17 that they were using.

18 Q. And it was that information that got
19 back to you that became the basis for this
20 petition; is that correct?

21 A. That's correct.

22 Q. In the course of putting together the
23 petition, did you go back to these operating
24 groups to try to get some more precise

1 information about their particular needs?

2 A. Yes, I did. I alerted them to the fact
3 that upon receipt from the Illinois EPA of our
4 Title V Clean Air Program permit that we would
5 now not be in compliance with the specific
6 section of that permit which related to cold
7 cleaning and that, as a result, we had to find
8 a remedy to address this situation, so we
9 discussed this at length with divisions that
10 had continued to have problems with the vapor
11 pressure limit of the solvents that they were
12 using and their inability to find an adequate
13 substitute that would meet the regulation.

14 Q. There are two exhibits that are
15 attached to the petition and they're attached
16 to your testimony as well. Can you tell us how
17 those came to be and your role in their coming
18 to be?

19 A. What we did for the two exhibits were
20 to really go across the laboratory division by
21 division to find out where people were using
22 solvents that did not meet the vapor pressure
23 limits specified by the cold cleaning rule and
24 in cases where they were not able to find a

1 substitute that would be considered a compliant
2 solvent, we detailed a list of various
3 buildings and rooms in the divisions where this
4 occurred and also put together an estimated
5 usage by the types of noncompliant solvents
6 that people were expecting to continue to keep
7 using.

8 Q. And is the list of the current
9 activities that would need to use noncompliant
10 solvents, is that a comprehensive list?

11 A. This is pretty comprehensive for all
12 operations that were currently under way at the
13 time we put this together.

14 Q. And while the research and development
15 activities at any given time at the laboratory
16 might be different than a month before or a
17 month later or a year before or a year later,
18 is it your view that this is a representative
19 list and is likely to be representative as time
20 goes on?

21 A. Yes, it is. It asks people to really
22 look at worse case operating scenarios, as best
23 as they could project future operations and try
24 to come up with what they thought was a maximum

1 usage level of the types of solvents that would
2 not be considered in compliance.

3 Q. With respect to the second of the two
4 exhibits that talks about or has the
5 information in it about the quantitative
6 information that's in it, could you speak to
7 that a little bit in how those -- how you
8 obtained those numbers and how the use of
9 different kinds of solvents may be tracked at
10 Argonne National Laboratory?

11 A. Well, Argonne does track chemical usage
12 site-wide, but that is usage for whatever
13 particular reason a person may want to use it,
14 so many of these solvents are used in
15 day-to-day research operations which is
16 considered an insignificant activity and one of
17 the difficulties that we noted was the fact
18 that a researcher may use methanol for research
19 activity and then material from that same
20 container to do some cold cleaning and trying
21 to maintain separate records on that would be
22 very burdensome.

23 So we looked at the total usage which
24 we can track for the solvents that had been

1 identified as ones that would be used for cold
2 cleaning and took a very conservative
3 determination as to how much of that might be
4 used for cold cleaning to come up with our
5 estimated usage number.

6 Q. And can you quantify what that
7 conservative determination would have been?

8 A. We estimated that it would be
9 approximately 1 ton per year.

10 Q. Is it possible to speak to what
11 percentage of the overall usage was estimated
12 to be used for cold cleaning?

13 A. We estimated about one-third of all the
14 total usage of the solvents would be employed
15 for cold cleaning activities.

16 Q. And is that considered to be a
17 conservative estimation?

18 A. I think it's a conservative estimate,
19 yes.

20 Q. When the people were communicating with
21 you about their use of these solvents for cold
22 cleaning activities, did they convey to you
23 some sense of how much might be used at any
24 given time and what kind of containers or

1 apparatus they my use to do the cold cleaning
2 operation?

3 A. Yes, they did. Typically they would be
4 talking in milliliter amounts or perhaps a half
5 a liter or so, but, again, that sense of amount
6 versus gallons and gallons of material.

7 Q. Would this cold cleaning typically --
8 would it ever actually be done in conventional
9 cold cleaning equipment or would it be done in
10 some other kind of apparatus?

11 A. Typically it would not be done in a
12 conventional cold cleaner. A bench top
13 researcher might simply just take beaker, add a
14 few milliliters of a solvent and clean. For
15 some of the other types of apparatus,
16 especially research equipment, their components
17 might be removed from equipment and then
18 cleaned but not as a rule would they be using a
19 typical cold cleaning degreaser system.

20 Q. And I think you already addressed this,
21 but to keep track of a few millimeters used for
22 cold cleaning here and a few milliliters used
23 there, would that be difficult to do and would
24 it seem to make any sense to do that?

1 A. It would be difficult it do because we
2 are dealing with literally hundreds of
3 researchers at the facility and to place the
4 burden upon them to kind of keep track of every
5 type of solvent milliliter by milliliter with
6 respect to how it's being used I think is an
7 unreasonable and unfair burden to place on
8 them.

9 Q. Is that usage comparable to the
10 research and development usage that's already
11 accepted under the Title V permit?

12 A. The solvent usage that is employed
13 under research and development is considered an
14 insignificant activity under our Title V
15 permit, so really the amount that's used for
16 cold cleaning we have categorized as actually a
17 subset of the total amount that's being used.

18 MR. LUCK: I have no furthers
19 questions.

20 HEARING OFFICER HALLORAN: Thanks,
21 Mr. Luck. As agreed on and stipulated to
22 beforehand, the written testimony of
23 Mr. Barrett will be allowed and taken into
24 evidence as if read into the record. I'm going

1 to mark it Petitioner's Exhibit Number 1 and I
2 also understand the court reporter will attach
3 the written testimony of Mr. Barrett to the
4 transcript.

5 With that said, Ms. Doctors, do you
6 have any questions of Mr. Barrett?

7 MS. DOCTORS: No, I do not.

8 HEARING OFFICER HALLORAN: Mr. Rao?

9 MR. RAO: Yes, we do. Thank you, Brad.
10 My name is Anand Rao and I'm with the technical
11 unit and Lisa Liu. I think Brad introduced us
12 earlier also with the technical unit and we
13 have a few clarifying questions, some of them
14 deal with the background information that you
15 had provided in your testimony and the petition
16 which Lisa will go through and then we have
17 some questions on the recordkeeping
18 requirements, so Lisa, do you want to go
19 through?

20 MS. LIU: Good morning, Mr. Barrett.

21 MR. BARRETT: Good morning.

22 MS. LIU: In Exhibit 2 of your prefiled
23 testimony, you list the different divisions
24 with Argonne and their activities on an R and D

1 scale. I was wondering if you could describe
2 how the waste solvents that come from the cold
3 cleaning process are collected, stored and
4 disposed of.

5 MR. BARRETT: They would be handled
6 much the same way as if they were being used
7 for research activity which is if they meet the
8 criteria of a hazardous waste, they are
9 collected and stored at a satellite
10 accumulation area. There are records kept on
11 that they are kept in a closed container as is
12 required by regulations and then would be
13 handled through the waste management division
14 at Argonne for proper disposal.

15 MS. LIU: When you are using very small
16 quantities as you had discussed earlier of a
17 milliliter or two, would they actually pour
18 that waste into a container for disposal or
19 would they simply let it evaporate?

20 MR. BARRETT: Well, I certainly can't
21 speak for every particular operation. The
22 laboratory practice is to treat solvents such
23 as that, as waste, and handle them accordingly,
24 so that is the directive that is given to all

1 operating personnel at the laboratory.

2 MS. LIU: I know there are several
3 different kinds of laboratory setups there. I
4 was wondering if these cold cleaning activities
5 typically took place under a fume hood?

6 MR. BARRETT: My understanding is that
7 in many cases they do. With respect to some of
8 the larger components, I am not sure whether or
9 not they would use one or not. It might depend
10 upon the volume of solvent that's being used
11 and just the physical difficulties in whether
12 or not a particular component could be used in
13 a hood situation.

14 MS. LIU: Otherwise would it be in a
15 well-ventilated area?

16 MR. BARRETT: Obviously the health and
17 safety concerns would dictate the fact that
18 they would be used in a well-ventilated area
19 particularly if we're talking about a flammable
20 solvent which would be true in most cases with
21 alcohols that would be used.

22 MS. LIU: Exhibit 3 of your prefiled
23 testimony lists the different solvents that you
24 have currently identified that are used for

1 cold cleaning and they include ethanol, hexane,
2 isopropanol, methanol and toluene. I was
3 wondering under the adjusted standard if
4 Argonne would be using any other solvents that
5 might exceed the 1.0 millimeters of mercury
6 limit besides those five that you already
7 identified?

8 MR. BARRETT: Well, these are the ones
9 that we have identified as currently being used
10 and have been using in the past. I don't know
11 that there would be any future operations that
12 would require any additional solvents. Most of
13 these are used in operations that will be
14 ongoing. The sample preparation, cleaning of
15 equipment and accelerator systems do employ the
16 use of alcohols for cleaning, so while I can't
17 say categorically that no other solvent would
18 be used, I don't think there would be a large
19 addition to be made to this list of other type
20 of solvents.

21 MS. LIU: As far as the emissions from
22 the cold cleaning practices whether they occur
23 through the fume hood or just in a
24 well-ventilated area, could you explain how

1 those emissions are exhausted? Do they simply
2 go to the outside?

3 MR. BARRETT: They would eventually go
4 to the outside either through a fume hood being
5 used specifically to vent them off or if it's
6 in just a well-ventilated area they would be
7 obviously exhausted outside for health and
8 safety reasons.

9 MS. LIU: Thank you.

10 MR. RAO: I have a few questions
11 regarding this recordkeeping requirement and
12 how that applied to your cold cleaning process.
13 In your prefiled testimony, you mentioned about
14 how it's difficult to track the usage of these
15 solvents in some of the research activities and
16 I was taking a look at the applicable
17 regulations. The first is can you clarify
18 whether the recordkeeping requirement that
19 applies to the research activities, is it 3511
20 code 218.182 (D) (2), is that the section that
21 applies?

22 MR. BARRETT: I would probably need to
23 take a look at that citation.

24 MR. LUCK: Could I show him, your

1 Honor?

2 MR. RAO: Section 182 (D) has
3 recordkeeping requirements that apply for
4 people selling the solvents and for people
5 using the solvents. I am assuming that you
6 will be subject to the requirement that applies
7 to people that use the solvents?

8 MR. BARRETT: The issue with the
9 recordkeeping with respect to the regulation
10 again is the fact that it is -- the solvents
11 are employed for a number of uses, not only for
12 cold cleaning but for regular research
13 activities, so to try to distinguish when a
14 particular container of solvent was purchased
15 as to whether it would be used for a research
16 activity or for cold cleaning or for both would
17 be very difficult to track on a
18 container-by-container basis.

19 MR. RAO: My question was first for you
20 to clarify which regulation applies to you. If
21 you look at section 182, there are two
22 subsections, (D) (1) and (D) (2). (D) (1)
23 applies to entities that sell these solvents
24 and (D) (2) applies to persons who use these

1 solvents.

2 MR. BARRETT: We would be the users in
3 this case, right.

4 MR. RAO: Now, if you look at the
5 section (D) (2) which applies to you, I didn't
6 see any requirement for tracking of usage in
7 that rule, so I was just looking at your
8 testimony and wanted clarification as to why
9 you think you need to track the usage or is
10 that something that the rule is not very clear
11 about?

12 MR. BARRETT: I looked at it from the
13 standpoint that if a researcher buys a bottle
14 of methanol, he may or may not know at that
15 particular time exactly how that's going to be
16 used so that if we were required at some future
17 time to determine which of those bottles of
18 methanol were used for cold cleaning by date of
19 purchase and name and address of supplier, that
20 might not be information we could easily
21 obtain.

22 MR. RAO: So individual researchers are
23 the ones that buy these solvents or is it
24 Argonne National Lab has some central facility

1 that purchases all these solvents?

2 MR. BARRETT: The researchers generally
3 order these things through a central ordering
4 system, but they do not come from the central
5 repository at the laboratory.

6 MR. RAO: Then can you explain a little
7 bit more about how the -- you did mention that
8 you have some kind of a central tracking
9 system?

10 MR. BARRETT: Yes. What happens with
11 the central tracking system is that when a
12 bottle of any type of laboratory chemical comes
13 in, it receives a bar code and through that bar
14 code, we are able to track it in terms of who
15 ordered it, where it's located and if that
16 material is ever transferred from one division
17 to another, then that is -- that change is
18 effected through the chemical management
19 system, so everything is done through bar
20 coding.

21 MR. RAO: So does the central tracking
22 system keep track of the volume or the amount
23 of solvent that Argonne has purchased or
24 obtained?

1 MR. BARRETT: It will keep track of the
2 original amount that comes in with respect to
3 what was ordered, the size of the container and
4 who ordered it and where it will be used.

5 MR. RAO: Is that information in some
6 way -- could that be used as an alternative to
7 section 182 (D) (2) as a way of tracking the
8 amount of solvents that are being used at the
9 facility itself?

10 MR. BARRETT: Well, again, as we
11 mentioned, we can track total usage of the
12 solvent, but that's going to include usages
13 other than cold cleaning. It will be all the
14 usages of that material regardless of what it
15 is.

16 MR. RAO: Is that information required
17 as a part for your Clean Air Act permit or is
18 that information required in the permit to be
19 submitted to the Agency?

20 MR. BARRETT: No, it isn't.

21 MR. RAO: It's not?

22 MR. BARRETT: No.

23 MR. RAO: Do you think that information
24 could be made available to the Agency as a part

1 of this adjusted standard like including a
2 condition in that says the total usage of
3 solvent is tracked and if the Agency wishes to
4 see it, it could be made available to the
5 Agency?

6 MR. BARRETT: I think total usage
7 numbers could be made available if it was
8 necessary.

9 MR. RAO: I'd like to direct the
10 question to the Agency, is that okay or should
11 I wait?

12 HEARING OFFICER HALLORAN: The Agency
13 witness?

14 MR. RAO: Yeah, either Ms. Doctors
15 or --

16 HEARING OFFICER HALLORAN: Well, he's
17 going to be -- he could step up and be sworn
18 under oath because Ms. Doctors was going to
19 introduce him next.

20 MR. RAO: I thought since we were
21 asking these questions.

22 HEARING OFFICER HALLORAN: Well, we
23 could swear Mr. Rogers in now and you could ask
24 him.

1 (Witness duly sworn.)

2 MR. RAO: As I was asking Mr. Barrett,
3 I just wanted to get your opinion as to whether
4 the Agency -- would it help the Agency to have
5 that kind of information about the total
6 solvent usage?

7 MS. DOCTORS: Could we go off the
8 record for just one second?

9 HEARING OFFICER HALLORAN: Sure. We'll
10 take a five-minute break.

11 (Recess taken.)

12 HEARING OFFICER HALLORAN: We're back
13 on the record. Mr. Rao I think was asking a
14 question of Mr. Rogers.

15 MS. DOCTORS: Mr. Rao, would you like
16 to clarify your question?

17 MR. RAO: Yes, I was asking Mr. Barrett
18 about how to keep track of the solvents that
19 comes in to Argonne in terms of where they get
20 it from, the day of purchase and type of
21 solvent and basically based on Mr. Barrett's
22 explanation about how it's difficult to track
23 the use of solvents for individual research
24 applications, I was wondering if they would be

1 able to keep track of the total usage of the
2 solvents and make that information available to
3 the Agency as part of an extended condition and
4 I just wanted to get Mr. Rogers' opinion as to
5 whether that kind of information is useful to
6 the Agency if we want to make it a part of the
7 adjusted standard.

8 MR. ROGERS: That information we do not
9 require of any other entity subject to the cold
10 cleaning rule. If total gallonage purchase was
11 made available, we still wouldn't know exactly
12 what was used for cold cleaning because as we
13 understand it, it's used in both research
14 activity and cold cleaning so we would be
15 getting a total amount which, again, we do not
16 require of anybody else. It might give us a
17 picture of what Argonne is doing, but it
18 doesn't really help us with any compliance
19 activity towards Argonne in this situation.

20 MR. RAO: Thank you.

21 HEARING OFFICER HALLORAN: Thank you,
22 Mr. Rao.

23 Ms. Liu?

24 MS. LIU: Along those lines, would it

1 help if for some reason Argonne were to expand
2 its cold cleaning operations and research
3 applications such that they're actually using
4 more than the 1 ton per year that they're
5 presenting here today for the Agency to perhaps
6 re-evaluate the environmental impact in terms
7 of SIP?

8 MS. DOCTORS: Can I speak on the
9 record? I'd like to indicate that Argonne I
10 believe is or would be subject to the ERMS
11 program because they're in the Chicago ozone
12 nonattainment area. If there's a dramatic
13 change in the types of operations in activities
14 at that facility, they would be subject to a
15 host of regulations that are designed to keep
16 the area in attainment or help the area make
17 progress to the one-hour ozone nonattainment
18 standard and later on beginning next year or
19 the year after the eight-hour ozone NOx. So I
20 don't -- I hope that's responsive. Mr. Rogers
21 has something he would like to add.

22 MR. ROGERS: I think it would be
23 helpful if Argonne kept track of how much
24 activity takes place with the use of -- just

1 projected use of noncompliance solvent in the
2 event that research activities would double or
3 triple in the future and if the current
4 estimate of 1 ton per year would be subject to
5 an increase over the course of time just due to
6 increased activity if they had some kind of
7 information available for inspectors to look at
8 during IEPA inspections, that would give us a
9 handle on if we're still within the framework
10 of the adjusted standard we're discussing now.

11 MR. RAO: So along those lines, how do
12 you envision this working in terms of how would
13 Argonne inform the Agency if their usage of the
14 solvents goes like doubles or goes beyond
15 1 ton, do you want to have a condition in the
16 adjusted standard that says that if the usage
17 increases above 1 ton, there needs to be notice
18 sent to the Agency or limited to 1 ton?

19 MS. DOCTORS: If we're going to start
20 putting limits, I'm going to need to speak with
21 Mr. Luck.

22 HEARING OFFICER HALLORAN: We'll go off
23 the record.

24 (Recess taken.)

1 HEARING OFFICER HALLORAN: We're back
2 on the record after about an eight-minute break
3 and I think Mr. Rao was, again, asking
4 Mr. Rogers a question. Do you remember the
5 question?

6 MR. RAO: Basically I wanted to know
7 what the Agency's position about including a
8 condition in the adjusted standard which
9 requires notification to the Agency if Argonne
10 goes beyond 1 ton.

11 MR. ROGERS: During our discussions
12 with Argonne National Labs on the preparation
13 of this adjusted standard, we had several
14 questions similar to that about setting a cap
15 on a high end or some kind of a notification
16 process if emissions or usage would increase
17 and we were informed similar to Mr. Barrett's
18 testimony that the difficulties in tracking the
19 usage of noncompliant cold cleaning solvents
20 because of their interrelationship with the
21 bench testing kind of came to the point where
22 there would be no real way of finding out the
23 amount of increase of those noncompliant
24 solvent usage. Even though total solvent usage

1 might increase, it could be under a compliant
2 situation or bench testing within the bench
3 testing and cold cleaning at the bench were so
4 intermixed that it would be difficult to
5 understand that.

6 MR. RAO: So if Argonne's cold cleaning
7 usage doubles or triples, is there any way the
8 Agency will find out about it?

9 MR. ROGERS: I am not sure what our
10 field inspectors look at when they come to the
11 facility to inspect, but there would be no
12 condition on our permits that I'm aware of that
13 would limit their purchasing of solvents for
14 compliant usage or for lab testing purposes
15 and, again, with that difficulty in determining
16 what is noncompliant cold cleaning usage, it
17 would be difficult for us to say that there
18 would be a problem.

19 MR. RAO: As a part of this State
20 Implementation Plan when this rule was adopted,
21 was there a specific kind of volatile organic
22 material that the Agency had estimated that
23 would be reduced in the Chicago nonattainment
24 area as a part of, you know, implementation of

1 this rule?

2 MR. ROGERS: Yes. Before the
3 implementation of the rule, the Agency
4 estimated there were about 33 tons per day of
5 volatile organic material emission that
6 occurred each summer day. Through Phase 1 of
7 the rule, we estimated approximate 11.3 tons
8 per day reduction when we went down to the
9 2 millimeter mercury limit and then when we
10 went down to the 1 millimeter mercury limit in
11 March 2001, there was another roughly 11.3 tons
12 per day emission reduction.

13 MR. RAO: So in terms of Argonne
14 doubling or tripling its usage, it won't have a
15 significant effect on what was counted by the
16 Agency on a nonattainment daily basis about the
17 reductions that you had estimated?

18 MR. ROGERS: Based on a 1 ton per
19 day -- excuse me -- 1 ton per year increase in
20 VOM emissions that Argonne estimates
21 conservatively could occur through the use of
22 noncompliant solvents compared to the 660 tons
23 per day that are emitted in the Chicago area,
24 an increase of even from 1 ton per year to

1 2 tons per year would be relatively
2 insignificant and we do not believe it would
3 affect air quality.

4 MR. RAO: Thank you.

5 HEARING OFFICER HALLORAN: Ms. Liu, any
6 further questions?

7 MS. LIU: No, thank you.

8 HEARING OFFICER HALLORAN: Any
9 redirect, Mr. Luck, so to speak of Mr. Barrett?

10 MR. LUCK: I don't believe so, no.

11 HEARING OFFICER HALLORAN: You may step
12 down. Thank you, Mr. Barrett.

13 Mr. Rogers, you could take the stand
14 and I reminded you you are under oath and this
15 document will give a little foundation
16 regarding your written testimony.

17 MICHAEL D. ROGERS,
18 having been first duly sworn, was examined and
19 testified as follows:

20 EXAMINATION

21 by Ms. Doctors

22 Q. Mike, can you state your name and your
23 position with Illinois Environmental Protection
24 Agency?

1 A. My name is Michael Rogers. I am in the
2 Illinois Environmental Protection Agency's
3 Bureau of Air.

4 Q. What is your position?

5 A. I am an environmental specialist.

6 Q. Were you involved in the development of
7 the cold cleaning decreasing rule?

8 A. Yes, I was.

9 Q. In what capacity?

10 A. I was the technical representative from
11 the air quality planning section that
12 researched the rule and worked with our
13 attorneys to develop the language of the rule
14 amending the old cold cleaning rule to include
15 use of vapor pressure requirements.

16 Q. And have you been involved in
17 discussions with Argonne Labs and the
18 recommendation of the Agency in this matter?

19 A. Yes, I have.

20 Q. Did you prepare this testimony?

21 A. Yes, I did.

22 Q. I'd like to ask that Mike Rogers'
23 prefiled testimony be admitted as if read.

24 HEARING OFFICER HALLORAN: That is

1 allowed. As Mr. Barrett's testimony was
2 allowed and admitted into evidence, Mr. Rogers
3 written testimony will be allowed and admitted
4 into evidence as well as if read into the
5 record. My understanding is that the court
6 reporter will also attach the written testimony
7 of Mr. Rogers to the transcript itself and I'm
8 also marking it as IEPA Exhibit Number 1.

9 Thank you.

10 BY MS. DOCTORS:

11 Q. Let me just ask one other question.
12 Have you been involved in the preparation of
13 the rate of progress plans and SIP submittals
14 for the Illinois Environmental Protection
15 Agency?

16 A. Yes, I have.

17 Q. Specifically this was submitted -- the
18 cold cleaning degreasing rule was submitted as
19 part of the 9 percent rate of progress plan?

20 A. That is correct.

21 MS. DOCTORS: I have no further
22 questions.

23 HEARING OFFICER HALLORAN: Thank you,
24 Ms. Doctors.

1 Mr. Rao, Ms. Liu?

2 MR. RAO: I don't have any. Mr. Rogers
3 has already answered questions.

4 HEARING OFFICER HALLORAN: You may step
5 down. Thank you. We'll go off the record for
6 a split second.

7 (Discussion had off the record.)

8 HEARING OFFICER HALLORAN: We're back
9 on the record. We were talking a little bit
10 about posthearing briefing schedules and as of
11 now, it's the intention of the parties not to
12 file a posthearing brief. However, I'm going
13 to set a public comment period for Friday,
14 October 10th and that's when the record closes.

15 By my calculation, the transcript
16 should be ready by Friday, September 26th;
17 however, if public comment is filed, then the
18 parties may or may not revisit their
19 posthearing briefing schedule or they may be
20 allowed to file a response, but until that
21 happens, we're not going to address it and
22 we'll leave it at that.

23 So I guess with no other further
24 comments or issues -- Ms. Doctors?

1 MS. DOCTORS: Could I go off the record
2 for one second? I made a misstatement. I'd
3 like to correct it on the record.

4 (Discussion had off the record.)

5 HEARING OFFICER HALLORAN: We're back
6 on the record. Ms. Doctors would like to add
7 something further in this proceeding.

8 MS. DOCTORS: I'd just like to ask
9 Mr. Barrett a question. Is Argonne Labs an
10 ERMS source for VOM?

11 MR. BARRETT: No, it is not.

12 MS. DOCTORS: What are its VOM
13 emissions?

14 MR. BARRETT: Our permitted emissions
15 under Title V are a little over 18 tons per
16 year. Our actual emissions tend to be
17 somewhere around 1 to 2 tons per year.

18 MS. DOCTORS: Thank you. That's my one
19 question.

20 HEARING OFFICER HALLORAN: Thank you,
21 Ms. Doctors.

22 Before I forget, I'm supposed to make a
23 credibility determination and based on my
24 judgment and observation and legal experience,

1 I find that there are no issues of credibility
2 with the witnesses that have testified here
3 today.

4 With that said, I want to thank you all
5 for your professionalism and civility
6 throughout and have a safe trip home to
7 Argonne, Illinois and Springfield, Illinois.
8 Thanks.

9 (End of proceeding.)

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1 STATE OF ILLINOIS)
) SS:
 2 COUNTY OF DUPAGE)

3

4 I, Michele J. Losurdo, Certified
 5 Shorthand Reporter of the State of Illinois, do
 6 hereby certify that I reported in shorthand the
 7 proceedings had at the taking of said hearing,
 8 and that the foregoing is a true, complete, and
 9 accurate transcript of the proceedings at said
 10 hearing as appears from my stenographic notes
 11 so taken and transcribed under my personal
 12 direction and signed this _____ day of
 13 _____, 2003.

14

15

16

17 Notary Public, DuPage County, Illinois
 CSR No. 084-004285
 18 Expiration Date: May 31, 2005.

19

20

21 SUBSCRIBED AND SWORN TO
 22 before me this _____ day
 of _____, A.D., 2003.

23

 Notary Public

24

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