

1 ILLINOIS POLLUTION CONTROL BOARD

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IN THE MATTER OF: )

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GASOLINE VOLATILITY STANDARDS ) R12-24

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TRANSCRIPT FROM THE PROCEEDINGS taken before  
HEARING OFFICER KATHLEEN CROWLEY, by ROBIN R. HEJNAR,  
6 CSR, RPR, a notary public within and for the County of  
Cook and State of Illinois, at the Illinois Pollution  
7 Control Board, 100 West Randolph, Chicago, Illinois, on  
the 20th day of September, 2012, A.D., at 1:00 o'clock  
8 p.m.

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1 APPEARANCES:

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BY: MS. KATHLEEN CROWLEY, HEARING OFFICER,

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Michael.Rogers@illinois.gov

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BY: MR. KENT MOHR, JR., & MICHAEL ROGERS

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Appeared on behalf of the Illinois  
Environmental Protection Agency.

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ALSO PRESENT:

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Ms. Brook Doggett, Department of Commerce, Economic  
Opportunity

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Ms. Erin Conley, Department of Commerce, Economic  
Opportunity

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Annette Fulgenzi, Department of Commerce, Economic  
Opportunity

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Ms. Carrie Zalewski, Board Member

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Ms. Deanna Glosser, Ph.D., Board Member

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Ms. Jennifer Burke, Board Member

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Mr. Thomas Holbrook, Board Member

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1                   HEARING OFFICER CROWLEY: Good afternoon.  
2 My name is Kathleen Crowley, and I'm the assigned  
3 Hearing Officer in this proceeding. This is the second  
4 of two presently scheduled hearings being conducted by  
5 the Illinois Pollution Control Board in the matter of  
6 Gasoline Volatility Standards and Motor Vehicle  
7 Refinishing Proposed Amendments to 35 Illinois  
8 Administrative Code Parts 211, 215, 218, and 219; our  
9 Docket 12-24.

10                   This hearing is being conducted according to  
11 the requirements of the Environmental Protection Act,  
12 and the Board's Procedural Rules at today's hearing.  
13 The Board will conclude its receipt of testimony on the  
14 merits and economic effect of the Illinois Environmental  
15 Protection Agencies, April 2nd, 2012, regulatory  
16 proposal.

17                   Looking around the room, I see the same cast  
18 of characters I saw when we concluded the hearing on --  
19 first hearing, August 23rd. Everyone here present is  
20 either affiliated with the Board or the EPA or another  
21 state agency, so I will just mention, seated to my  
22 right, as you may remember, is Board Member Carrie  
23 Zalewski, the Board Member coordinating the grille  
24 making; to her right is Board Member Jennifer Burke; to

1 my left is Board Member Deanna Glosser; and to her left  
2 is Chairman Thomas Holbrook.

3 At this point I'd ask you to all introduce  
4 yourself again, for the benefit of the court reporter,  
5 beginning with Mr. Mohr for the IEPA.

6 MR. MOHR: Good afternoon, my name is Kent,  
7 assistant counsel for the Illinois EPA. Thank you for  
8 having us here today. I have with me today two  
9 witnesses; Mike Rogers in the technical services section  
10 of the Division of Mobile Source Programs within the  
11 Bureau of Air at the Illinois EPA, and Annette Fulgenzi,  
12 who is the project manager of the Illinois Small  
13 Business Environmental Assistance Program at the  
14 Department of Commerce and Economic Opportunity, they  
15 are here to answer any questions that might be asked of  
16 them.

17 We have pre-filed testimony in this matter,  
18 entitled, "Testimony of Michael D. Rogers". We filed  
19 that in anticipation of the first hearing, we have not  
20 pre-filed any other testimony; we do not have any  
21 testimony here that we plan to make today, unless the  
22 Board has any questions. At this point I don't feel  
23 it's necessary to swear in the witnesses, unless there  
24 are questions from the Board. That's all we have.

1                   HEARING OFFICER CROWLEY: And they were  
2 previously sworn, but at this point, let's not. And we  
3 have a couple representatives from the Department of  
4 Commerce and Economic Opportunity also.

5                   MS. DOGGETT: Brook Doggett with the Small  
6 Business Environmental Assistance Program.

7                   HEARING OFFICER CROWLEY: And a young lady  
8 who's left the room for a second, was also present, Erin  
9 Conley. We have also present, who you may not have  
10 noticed, Daniel Robinson, who is the attorney assistant  
11 to Member Burke.

12                   There is one question that has arisen since  
13 the last hearing; otherwise, no public comments have  
14 been filed, no one has contacted me to indicate they had  
15 any questions or comments. The question that I have is  
16 a question that was forwarded to me by Deborah Conley of  
17 the Joint Committee on Administrative Rules. Ms. Conley  
18 said that her management would like to know about three  
19 particular sections, and those are all incorporation by  
20 reference sections, they are Sections 215.105, 218.112,  
21 and 219.112. The agency proposal -- proposes to delete  
22 or update some but not all of those sections, and the  
23 management question Ms. Conley asked me to pose is  
24 whether the quote/unquote sections are the latest

1 applicable. I believe that part of what her management  
2 is asking is why some of the incorporations by reference  
3 are updated and not all of them.

4 MR. MOHR: The incorporations by reference,  
5 sections in 215, 218 and 219, effect those entire parts,  
6 so the -- in the agency's proposal, we have proposed to  
7 delete or update only those incorporations by reference  
8 that are -- relate to the specific sections that we're  
9 dealing with in this rulemaking and not any other  
10 sections.

11 HEARING OFFICER CROWLEY: Thank you. And  
12 we'll note for the record that it's been my experience  
13 that updating even ASTM standards can, perhaps, have  
14 unintended effects that you would want comment from the  
15 entire regulated community about; is that your  
16 experience as well?

17 MR. MOHR: Yes.

18 HEARING OFFICER CROWLEY: Thank you. Does  
19 anyone else have any questions? If not, let's go off  
20 the record for a minute.

21 (Off the record.)

22 HEARING OFFICER CROWLEY: We're going to go  
23 back on the record. As there is no other business for  
24 us today, I will be setting a deadline for a receipt of

1 the last written public comments, that's typically after  
2 -- 14 days after receipt of the transcript. We had an  
3 off the record discussion and determined that Friday,  
4 October 12th, 2012, would be an agreeable date for the  
5 agency. This allows a couple of days for transcript  
6 preparation, and takes us past the Columbus Day holiday  
7 on October 8th; no need to expedite this transcript.

8           After review of the transcript public  
9 comments and any other material in the record, the Board  
10 will then determine whether to adopt a second notice  
11 proposal for submission to the Joint Committee on  
12 administrative rules as required by the Administrative  
13 Procedure Act. The first have feasible date for Board  
14 action following close of the comment period would be  
15 November 1st or 15th. If there are no other questions,  
16 I think we can conclude this hearing, and thank you all  
17 very much, we appreciate your attendance and travel.

18           MR. MOHR: Thanks for having us here today.

19                           (Whereupon, no further proceedings were  
20                           had in the above-entitled cause.)

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

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4           I, ROBIN HEJNAR, a certified shorthand reporter  
5 and registered professional reporter within and for the  
6 County of Cook and State of Illinois, do hereby certify  
7 that the hearing in the above entitled matter was  
8 recorded stenographically by me, was reduced to  
9 typewriting under my personal direction.

10           I further certify that the said hearing was taken  
11 at the time and place specified.

12           I further certify that I am not a relative or  
13 employee or attorney or counsel of any of the parties,  
14 relative or employee of such attorney or counsel or  
15 financially interested directly or indirectly in this  
16 action.

17           In witness whereof, I have hereunto set my and  
18 affixed my seal of office at Chicago, Illinois, \_\_th day  
19 of September, A.D., 2012.

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ROBIN HEJNAR

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