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A P P E A R A N C E S

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
BY: Christina L. Archer, Esq.
Assistant Counsel
Bureau of Air, Division of Legal Counsel
2200 Churchill Road
Springfield, Illinois 62794-9276
On behalf of the Illinois EPA.

Also present:
Board Member Ronald C. Flemal, Ph.D.

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I N D E X

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E X H I B I T S

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P R O C E E D I N G S

(August 5, 1997; 1:00 p.m.)

HEARING OFFICER LOZUK-LAWLESS: Good

afternoon. Welcome. My name is Audrey Lozuk-Lawless, and I am the hearing officer in this matter entitled 15 percent ROP Plan, Wood Furniture Coating Amendments to 35 Illinois Administrative Code, Parts 211, 218 and 219, Subpart F.

Actually, make that a correction. It is not 15 percent ROP plan.

Today's proposal was filed by the Illinois Environmental Protection Agency on June 3rd, 1997. The service list and notice list has been established. It doesn't appear that there is anyone present today that is not on the service list. However, if anyone would like to be on the service list or the notice list, please contact the Board.

Today is the first of two hearings that will be held in this matter. The second hearing will be on Wednesday, August 13th, at 1:00 p.m. in the James R. Thompson Center, Room 9-31, in Chicago. Today's hearing will be governed by the Board's procedural rules regarding rulemaking, and

1 any information which is relevant and not
2 repetitious and not privileged will be admitted
3 into the record.

4 On behalf of the Board, to my left, is
5 Board Member Dr. Ronald Flemal, who is with us
6 today.

7 If we ask any questions today, please
8 realize that they do not mean to convey any bias or
9 preconceived notions, but are simply to make a
10 complete record for other Board members that are
11 not here today.

12 It appears that there is one witness
13 today on behalf of the Agency as well as one member
14 of the public, who is at the hearing today.

15 Ms. Christina Archer, from the Illinois
16 Environmental Protection Agency, do you have an
17 opening statement?

18 MS. ARCHER: Yes, I do.

19 HEARING OFFICER LOZUK-LAWLESS: Please go
20 ahead.

21 MS. ARCHER: Thank you. Good afternoon.
22 My name is Christina Archer. I am Assistant
23 Counsel for the Bureau of Air, Regulatory Unit for
24 the Illinois Environmental Protection Agency.

1 With me today is Mr. David Bloomberg of
2 our Air Quality Planning Section, who will present
3 a short statement.

4 The purpose of this hearing today is to
5 amend Illinois Air Pollution Control Requirement 35
6 Illinois Administrative Code, Parts 218 and 219,
7 Subpart F, regarding wood furniture coating
8 operations, as well as adding definitions related
9 to wood furniture coating, 35 Illinois
10 Administrative Code, Part 211.

11 This rulemaking proposal is being
12 submitted to the Illinois Pollution Control Board
13 pursuant to Section 27 of the Environmental
14 Protection Act as well as the Federal Clean Air Act
15 requirements. Section 1 A2 and B2 of the Clean Air
16 Act as amended in 1990 requires Illinois to submit
17 a revision to its state implementation plan to
18 include provisions to require the implementation of
19 Reasonably Available Control Technology, or RACT,
20 for each category of volatile organic material, or
21 VOM, sources covered by control technique
22 guidelines, or CTG, documents.

23 Pursuant to Section 183 of the Clean Air
24 Act, wood furniture coating operations are one of

1 the 11 stationary sources of VOM emissions for
2 which a CTG must be issued by the U.S. EPA.

3 On May 20th, 1996, the U.S. EPA published
4 its final CTG for wood furniture coating
5 operations. This proposal is intended to satisfy
6 Illinois' adoption of RACT rules required to be
7 developed in response to the CTG.

8 In developing this rulemaking proposal,
9 the Illinois EPA sent outreach packages to
10 potentially affective facilities, the U.S. EPA, and
11 trade associations and offered to meet with any
12 entity to discuss the rulemaking. The Illinois EPA
13 has not received any comments on the proposal to
14 date.

15 The rulemaking itself affects both the
16 Chicago and the Metro-East St. Louis ozone
17 nonattainment areas. The Illinois EPA believes
18 that approximately 27 facilities in the Chicago
19 nonattainment area will be affected, and has not
20 identified any affective sources in the Metro-East
21 St. Louis ozone nonattainment area.

22 A compliance date for the rulemaking is
23 March 15, 1998. The rulemaking will change the
24 limits for topcoats and sealers only and those

1 limits will be measured in pounds of VOM per pounds
2 of solid. This is a different unit of measurement
3 than what the current rule requires, which is
4 pounds of VOM per gallon of coating. Affective
5 sources may also elect to use averaging approach,
6 add-on controls, or make a combination of these
7 methods to achieve compliance. All other coatings
8 may continue to be utilized at the current levels
9 and in the current units of measurement. In
10 addition, several work practice and record keeping
11 and reporting requirements have been added to the
12 current rule.

13 As stated earlier, Mr. David Bloomberg of
14 the Air Quality Planning Section is with me today.
15 Mr. Bloomberg prepared the technical support
16 document in regards to this rulemaking. Mr.
17 Bloomberg also has filed prefiled testimony in this
18 matter.

19 I would now ask that this prefiled
20 testimony be admitted into the record.

21 HEARING OFFICER LOZUK-LAWLESS: All
22 right. The prefiled testimony of Mr. Bloomberg
23 will be marked as Exhibit Number 1, and has been
24 marked and entered into the record.

1 (Whereupon said document was
2 duly marked for purposes of
3 identification and entered into
4 the record as Exhibit 1 as of
5 this date.)

6 MS. ARCHER: Thank you. Mr. Bloomberg
7 has a short statement that he would now like to
8 make.

9 HEARING OFFICER LOZUK-LAWLESS: All
10 right. Would you please swear in the witness.

11 (Whereupon the witness was
12 sworn by the Notary Public.)

13 D A V I D E. B L O O M B E R G,
14 having been first duly sworn by the Notary Public,
15 saith as follows:

16 MR. BLOOMBERG: Good afternoon. My name
17 is David Bloomberg. I am employed by the Illinois
18 Environmental Protection Agency as an Environmental
19 Protection Engineer, the Ozone Regulatory Unit, in
20 the Air Quality Planning Section, Division of Air
21 Pollution Control, Bureau of Air. I have been
22 employed by the Illinois EPA in this capacity for
23 over five and a half years. My responsibilities
24 include the development of the ozone precursors

1 emissions inventory for stationary sources and
2 preparation of technical support for proposed ozone
3 regulations.

4 My academic credentials include a
5 Bachelor of Science Degree in Ceramic Engineering
6 from the University of Illinois at
7 Champaign-Urbana. As part of the assignments in my
8 current position, I prepared the technical support
9 document, TSD, for the proposed regulation
10 regarding wood furniture coating operations.

11 The Illinois EPA is proposing that the
12 Board adopt changes in the Wood Furniture Coating
13 Rules corresponding to the requirements from the
14 U.S. EPA's Control Techniques Guidelines, or CTG,
15 for this category. The CTG was developed through a
16 consensus process involving members of industry,
17 environmental groups, state and local agencies.

18 My presubmitted written testimony
19 summarizes the findings from the TSD. I am now
20 available to answer any questions regarding the TSD
21 and my filed testimony.

22 HEARING OFFICER LOZUK-LAWLESS: Thank
23 you, Mr. Bloomberg.

24 Dr. Flemal, do you have a question?

1 BOARD MEMBER FLEMAL: I have a few short
2 questions, Mr. Bloomberg.

3 The compliance date, which has been noted
4 as March 15th, 1998, is there some reason that
5 compels this particular date or some document that
6 causes this to be the directed mandate?

7 MR. BLOOMBERG: No. Actually, the U.S.
8 EPA wanted us to have the rule on the books and
9 have the people complying by -- we are checking.

10 The main reason for the March 15th date
11 is because March 15th has been used in the past for
12 the 15 percent regulations and other similar
13 regulations, and it makes it before the ozone
14 season. It is a date that we feel the industry is
15 used to.

16 The date we were looking for -- the
17 absolute deadline from the U.S. EPA was May 20th,
18 1998, for sources to be in compliance.

19 BOARD MEMBER FLEMAL: So if we would move
20 forward with the date that you are proposing, we
21 would actually have on the books the regulation
22 before we were required?

23 MR. BLOOMBERG: No, the regulation was
24 actually required to be on the books by May 20th of

1 this year.

2 BOARD MEMBER FLEMAL: 1997?

3 MR. BLOOMBERG: Yes. But that rule is
4 supposed to require sources to be in compliance by
5 May 20th of 1998. However, because we have the
6 ozone season that starts before then we felt March
7 15th was a better date.

8 MS. ARCHER: I have a copy of the Federal
9 Register Notice, dated September 27th, 1996, which
10 we can get it on the record if you would like.

11 BOARD MEMBER FLEMAL: I think that would
12 be useful.

13 HEARING OFFICER LOZUK-LAWLESS: Do you
14 want to enter it as an exhibit?

15 MS. ARCHER: If we can get a copy back.

16 HEARING OFFICER LOZUK-LAWLESS: You mean
17 do you get your copy back?

18 MS. ARCHER: I just need to get one.
19 Well, let me just write the date down. I will get
20 a copy.

21 HEARING OFFICER LOZUK-LAWLESS: Would you
22 prefer just to submit it?

23 MS. ARCHER: I can give you this copy.
24 That's fine. Thank you.

1 HEARING OFFICER LOZUK-LAWLESS: All
2 right. Let the record reflect that the Federal
3 Register, Volume 61, Number 189, from Friday,
4 September 27th, 1996, page 50823, has been marked
5 as Exhibit Number 2 and entered into the record.

6 (Whereupon said document was
7 duly marked for purposes of
8 identification and entered into
9 the record as Exhibit 2 as of
10 this date.)

11 BOARD MEMBER FLEMAL: One of the
12 principal features in the proposal before us is a
13 change in the unit of measurement. Could you --
14 would you care to comment on the merits of making
15 that change?

16 MR. BLOOMBERG: Well, that change was
17 decided upon by the regulatory negotiations. It
18 was agreeable to industry and to the U.S. EPA.
19 They felt it was a more accurate way to measure the
20 actual VOM content, at least for the wood furniture
21 coaters.

22 BOARD MEMBER FLEMAL: Are you
23 sympathetic, yourself, to the aspect of the
24 merits?

1 MR. BLOOMBERG: I have not studied it
2 in-depth to determine which would be better. I
3 think it is a little more confusing for the coaters
4 who are used to using the other way but,
5 unfortunately, because there is no direct way to
6 convert, and because the CTG does mandate it, we
7 felt that our hands were tied on this one. We
8 contacted both the regional and national offices of
9 the U.S. EPA and talked to them about that, and
10 they were very, very certain that this was the way
11 to go.

12 BOARD MEMBER FLEMAL: My guess is that
13 this is probably an industry suggested change? The
14 industry itself thought it would be appropriate to
15 move forward on this?

16 MR. BLOOMBERG: They didn't specify who
17 had suggested it. They only specified it was
18 agreed upon by all the parties.

19 BOARD MEMBER FLEMAL: I think I only have
20 one other area of questioning I think for today,
21 and that area -- well, let me set the table for
22 it.

23 We received yesterday in the Board's
24 office a public comment, public comment number 1 in

1 this docket, filed by Akzo Nobel Company of High
2 Point, North Carolina. I believe it is correct to
3 characterize the overall nature of their public
4 comment as encouraging the Board to adopt the
5 regulations as proposed to us. However, they
6 express one area of reservation, and let me read
7 the statement in which that reservation occurs, and
8 then if I could have your comment on it.

9 The statement in question is as follows:
10 The State of Illinois is proposing that VOC
11 restrictions go well beyond the federal CTG
12 guidelines to include the categories of opaque
13 satin, non topcoat pigmented coat, repair coat,
14 semi transparent satin and wash coat. What is the
15 Agency's reaction to whether you believe that that
16 is, in fact, a correct characterization of what you
17 are proposing?

18 MR. BLOOMBERG: We believe that that is a
19 misunderstanding. The current rules already have
20 limits for each of those categories, and the limits
21 are not changing under the new -- under these
22 proposed changes. The only things that are
23 changing are topcoats and sealers. And everything
24 else will remain exactly the same as it has been.

1 BOARD MEMBER FLEMAL: Thank you. That's
2 all I would have for now.

3 HEARING OFFICER LOZUK-LAWLESS: Does
4 anyone in the audience have any questions?

5 Yes, Mr. Homer?

6 MR. HOMER: My name is Mark Homer. I am
7 with the Chemical Industry Council of Illinois.

8 I have a couple of questions for you,
9 David.

10 MR. BLOOMBERG: Okay.

11 MR. HOMER: You noted in your prefiled
12 testimony that approximately 27 entities
13 potentially affected by this proposed rulemaking,
14 and Ms. Archer noted during her presentation, that
15 you had sent some type of information to these
16 entities prior to filing this proposal with the
17 Board. I was simply wondering if you could supply
18 to the Board a list of who was distributed this
19 information to, just for the record, so we would
20 have some type of indication as to who received the
21 materials.

22 MR. BLOOMBERG: I believe the list may
23 already be included. It should be the same as was
24 Table 2 in the TSD, I believe.

1 MS. ARCHER: Exhibit 2 which was attached
2 to our statement of reasons is a list of facilities
3 that we went to outreach on in the summer of 1996.
4 I would be happy to provide you with a copy of
5 that, Mr. Homer.

6 MR. HOMER: Okay. I would appreciate it.
7 Thank you.

8 The only other question I have is you
9 also noted in your prefiled testimony that the
10 Illinois EPA used some assumptions in ascertaining
11 whether the proposed regulations are currently
12 being met by the wood coaters in the state, and you
13 specifically mentioned density of coating solvent
14 and solids. I was hoping that you could give me an
15 indication of what those assumptions were that were
16 used. If you can't do that today, then at the next
17 hearing I would appreciate the information.

18 MR. BLOOMBERG: I don't have that
19 information with me, but I can get it.

20 MR. HOMER: Great. That's all I have.

21 HEARING OFFICER LOZUK-LAWLESS: Thank
22 you. Actually, that was something that the Board
23 was interested in as well.

24 MS. ARCHER: We will comment on that.

1 HEARING OFFICER LOZUK-LAWLESS: Okay.

2 Thank you. Are there any other questions?

3 Okay. Seeing no additional questions, I
4 would like to just remind the participants that the
5 next hearing will be in Chicago on August 13th,
6 which is a Wednesday.

7 This hearing is hereby ended.

8 (Exhibits 1 and 2 were
9 retained by Hearing Officer
10 Lozuk-Lawless.)

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1 STATE OF ILLINOIS)
) SS
2 COUNTY OF MONTGOMERY)

3 C E R T I F I C A T E

4 I, DARLENE M. NIEMEYER, a Notary Public
5 in and for the County of Montgomery, State of
6 Illinois, DO HEREBY CERTIFY that the foregoing 18
7 pages comprise a true, complete and correct
8 transcript of the proceedings held on the 5th of
9 August A.D., 1997, at Madison County Administration
10 Building, Edwardsville, Illinois, in the case of
11 Wood Furniture Coating Amendments to 35 IL
12 Administrative Code Parts 211, 218 and 219, Subpart
13 F, in proceedings held before the Honorable Audrey
14 Lozuk-Lawless, Hearing Officer, and recorded in
15 machine shorthand by me.

16 IN WITNESS WHEREOF I have hereunto set my
17 hand and affixed my Notarial Seal this 11th day of
18 August A.D., 1997.

19

20

21 Notary Public and
22 Certified Shorthand Reporter and
Registered Professional Reporter

23 CSR License No. 084-003677
My Commission Expires: 03-02-99

24