

1           BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

2                           MARCH 10, 2009

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|   |                                 |                   |
|---|---------------------------------|-------------------|
| 4 | IN THE MATTER OF:               | )                 |
| 5 | AIR QUALITY STANDARDS CLEAN-UP: | )                 |
| 6 | AMENDMENTS TO 35 ILL. ADM. CODE | ) R09-19          |
| 7 | PART 243                        | )(Rulemaking-Air) |
| 8 |                                 | )                 |

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11                   REPORT OF PROCEEDINGS had before the

12 ILLINOIS POLLUTION CONTROL BOARD held on March 10,

13 2009, at 9:00 o'clock a.m. at the Thompson Center,

14 Room 11-512, Chicago, Illinois.

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1 A P P E A R A N C E S:

2 ILLINOIS POLLUTION CONTROL BOARD:

3 MR. TIMOTHY J. FOX, Hearing Officer

4 MS. ANDREA S. MOORE, Member

5 MR. ANAND RAO, Senior Environmental Scientist

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8 ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

9 1021 North Grand Avenue East

10 P.O. Box 19276

11 Springfield, Illinois 62794-9276

12 MR. ROBERT J. KALEEL, Manager, Bureau of Air

13 MR. CHARLES E. MATOESIAN, Assistant Counsel

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15 ILLINOIS ENVIRONMENTAL REGULATORY GROUP

16 215 East Adams Street

17 Springfield, Illinois 62701

18 MR. ALEC M. DAVIS

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1                   HEARING OFFICER FOX: Good morning  
2                   everyone, and welcome to this Illinois  
3                   Pollution Control Board hearing. My name is  
4                   Tim Fox, and I'm the hearing officer for  
5                   this Rulemaking proceeding entitled, In The  
6                   Matter of Clean-Up, Amendments to 35  
7                   Illinois Administrative Code, Part 243.

8                   Also present from the Board  
9                   today are at my immediate right, Board  
10                  Member Andrea S. Moore, the lead Board  
11                  Member for this rulemaking. And at my left  
12                  Anand Rao of the technical staff. The Board  
13                  docket number is R09-19.

14                  The Illinois Environmental  
15                  Protection Agency filed this proposal on  
16                  December 1, 2008, and in an order dated  
17                  December 18, 2008, the Board accepted the  
18                  proposal for hearing. On January 20, 2009,  
19                  IEPA filed a motion to amend its rulemaking  
20                  proposal. And in an order dated  
21                  February 19, 2009, the Board granted that  
22                  motion.

23                  Today we are holding the first  
24                  hearing on this amended rulemaking proposal.

1 Originally, the first hearing had been  
2 scheduled to take place on February 3, 2009,  
3 with the second hearing scheduled to take  
4 place here on March 10th. On January 20,  
5 however, the Agency, in addition to its  
6 motion to amend the rulemaking proposal,  
7 filed a motion to reschedule that first  
8 hearing. And on January 30, 2009, a hearing  
9 officer order granted that motion and  
10 rescheduled the first hearing from  
11 February 3rd to today, March 10th. That  
12 order did not address the schedule for a  
13 second hearing, but as indicated, it's  
14 expected that the participants here today  
15 will address that issue before adjourning  
16 this hearing.

17 For the first hearing, the Board  
18 on March 3, 2009, received pre-filed  
19 testimony from the Illinois Environmental  
20 Protection Agency by Mr. Robert Kaleel, who,  
21 of course, is present here today. Also on  
22 March 3, the Board received a motion to file  
23 Mr. Kaleel's testimony instanter. Does  
24 Mr. Davis or anyone else wish to be heard on

1           that motion?  Although Mr. Davis indicates  
2           he does not, while the Board's rules do  
3           allow for 14 days to respond, undue delay  
4           would result from allowing that period to  
5           run.  Mr. Kaleel is present, and I suspect  
6           he will be sworn in to take any questions  
7           very soon, and that motion and the testimony  
8           were served on the entities on the service  
9           list as the testimony is relatively brief in  
10          length, I will grant that motion to file the  
11          testimony instanter and accept it into the  
12          record at this proceeding.

13                         No other participant has  
14          pre-filed testimony for this hearing.  So  
15          naturally, we will begin with the testimony  
16          by Mr. Kaleel which is now in the record,  
17          and then proceed to questions that any  
18          participants may have on the basis of that  
19          testimony.  After those questions, we can  
20          turn to any witness who did not pre-file  
21          testimony but would like to testify.  While  
22          no one else appears in the room, other than  
23          Mr. Davis and the representatives of the  
24          Agency, there is a sheet at the door on

1           which any person -- at the end of this head  
2           table near the door -- at which any person  
3           who would like to do so, can indicate their  
4           interest in testifying today.

5                         This proceeding is, of course,  
6           governed by the Board's procedural rules,  
7           and all information that is relevant and  
8           that is not repetitious or privileged will  
9           be admitted into record. Please note any  
10          question posed today by the Board or its  
11          staff are intended solely to develop a  
12          clear and complete record, and reflect no  
13          prejudgment or predetermining about the  
14          substance of the Agency's proposal.

15                        For the court reporter, please  
16          speak loudly. We do have a fan that may  
17          make it a little more difficult to be heard.  
18          That, I'm sure, will be appreciated so we  
19          can have the clearest possible transcript.  
20          Any questions at all about procedures or  
21          background? Great. Mr. Matoesian, we're  
22          ready to turn to the Agency. Did you or  
23          Mr. Kaleel wish to make any quick  
24          introduction or summary this morning?

1                   MR. MATOESIAN: Just briefly. I'm  
2                   Charles Matoesian, appearing for the  
3                   Illinois Environmental Protection Agency on  
4                   this matter of clean-up of part 243. This  
5                   clean-up simply incorporates new federal  
6                   standards into our rule which are currently  
7                   applicable throughout the nation, and  
8                   briefly we add a new PM2.5 standard. We add  
9                   a new 8-hour ozone standard. We revoke  
10                  the existing 1-hour ozone standard, and we  
11                  are modifying the PM10 ozone standard, as  
12                  well as modifying the Lead standard.

13                         We also have a few clean-up  
14                         matters. We proceeded along, since the  
15                         part was open, and with that I can turn  
16                         things over to Mr. Robert Kaleel, manager of  
17                         the Air Quality Section in the Bureau Of  
18                         Air, who will provide testimony here today.

19                         HEARING OFFICER FOX: Mr. Matoesian  
20                         and Mr. Kaleel, I'm sure, you know,  
21                         pre-filed testimony is admitted in the  
22                         record as if read at 102.4F of the  
23                         procedural rules. If it's a good time, we  
24                         can swear you in too so you can proceed to

1 give any kind of summary or any other  
2 introduction he might like to provide.

3 MR. KALEEL: I have no opening  
4 statement.

5 HEARING OFFICER FOX: Very good.  
6 I'm presuming you would be willing to go to  
7 questions then?

8 Mr. Davis, you are the single  
9 nonagency entity, other than the Board,  
10 present, so certainly it's an opportune  
11 time to ask any questions that you might  
12 wish to.

13 MR. DAVIS: Thank you. My name is  
14 Alex Davis. I'm here on behalf of the  
15 Illinois Environmental Regulatory Group. I  
16 have a few questions that I'd like to ask  
17 you today, Mr. Kaleel.

18 MR. KALEEL: Okay.

19 MR. DAVIS: Mr. Kaleel, in the  
20 Agency's filings of your testimony, the  
21 intent of the Agency is to have the state's  
22 Air Quality Standards be the same in  
23 substance to the National Ambient Air  
24 Quality Standards for PM 2.5; is that a

1 correct understanding?

2 MR. KALEEL: That's correct.

3 MR. DAVIS: The technical support  
4 document provides a lot of summary of the  
5 characteristics and health impacts of ozone  
6 particulate matter and lead, and generally  
7 presents a synopsis of the bases for the  
8 U.S. EPA setting the National Air Quality  
9 Standards for these pollutants. Has the  
10 Agency performed an analysis or  
11 investigation of the documents that the  
12 U.S. EPA used to establish the levels and  
13 formed the standards in order to determine  
14 if a different level should be set in  
15 Illinois, or is it the policy of the Agency  
16 to rely upon the expertise of the U.S. EPA  
17 in setting the air quality standards in  
18 Illinois?

19 MR. KALEEL: We have not done an  
20 independent review of the health effect  
21 studies. We do rely upon the U.S. EPA,  
22 their experts, to develop those proposals,  
23 and what we're here to do today is to adopt  
24 the federal standards.

1 HEARING OFFICER FOX: Mr. Davis, I  
2 neglected to mention that in addition to his  
3 pre-filed testimony, Mr. Kaleel did submit  
4 into the record a revised technical support  
5 document in this proceeding, and I'm  
6 assuming that it's that revised document  
7 that you are referring to?

8 MR. DAVIS: That is what I was  
9 referring to.

10 HEARING OFFICER FOX: Thank you for  
11 letting me interrupt.

12 MR. DAVIS: Mr. Kaleel, in the case  
13 of the ozone standards that you are  
14 proposing, are you aware that the proposal  
15 is subject to an appeal that could result in  
16 the standard being changed?

17 MR. KALEEL: We are aware that the  
18 ozone standard is subject to -- and PM2.5  
19 are subject to legal action.

20 MR. DAVIS: If either of these  
21 proposals were changed, would the Agency  
22 40CRF rule begin to incorporate those  
23 changes?

24 MR. KALEEL: Yes, it would.

1                   MR. DAVIS: The Agency's proposed  
2                   revisions -- in the proposed revisions,  
3                   no mention is made to designate the proposed  
4                   standard as being primary or secondary  
5                   standards. The proposed standards are  
6                   identical for primary and secondary  
7                   standards. If that were to change as a  
8                   result of ongoing appeals, for example,  
9                   would the Agency make such a designation in  
10                  this part 243 or is it the intent of the  
11                  Agency to only establish a primary or health  
12                  base standard?

13                  MR. KALEEL: I think it would be our  
14                  intent to propose to make secondary  
15                  standards consistent with U.S. EPA's Air  
16                  Quality Standards. As you noted, in most  
17                  cases, if not all cases, in this proposal,  
18                  the primary standard and the secondary  
19                  standard are identical. There's no need to  
20                  do that at this point.

21                  MR. DAVIS: Okay. The Agency's  
22                  proposed revisions do not duplicate the  
23                  language of the U.S. EPA National Ambient  
24                  Air Quality Standard, but seem to capture

1 the substance. Why doesn't the Agency use  
2 the same language as the federal standard so  
3 as to avoid any possible misinterpretation  
4 or confusion?

5 MR. KALEEL: Excuse me for just a  
6 second. I think our intent was to capture  
7 the essence of the Air Quality Standard.  
8 I'm not aware of specific instances where  
9 the language is different. If you have some  
10 information in that regard --

11 MR. DAVIS: I might be able to  
12 draw your attention to a few instances that  
13 I'm aware of. I think I'll get to that in a  
14 minute, if that's all right.

15 The Agency is proposing to  
16 delete the 1-hour ozone standard and to  
17 adopt the 200 federal ozone standard, but  
18 Part 243 has never included the 1997 ozone  
19 standard, which is currently the subject  
20 of rulemaking before the Board and state  
21 implementation plans that are being  
22 developed by the Agency. Why didn't the  
23 Agency propose to include the 1997 ozone  
24 standard in the Part 243 rules?

1                   MR. KALEEL: Well, I guess our  
2 preference would have been to adopt the 1997  
3 standard shortly after 1997. We didn't make  
4 such a proposal. As you noted, current  
5 ozone standards are under legal challenge.  
6 The 1997 standards were under legal  
7 challenge for many years, and at the point  
8 that those standards were successfully  
9 resolved legally, we are aware that U.S. EPA  
10 was already under a deadline to revise those  
11 standards yet again. So it's a little bit  
12 of a game of catch-up. The 1-hour standards  
13 are federal standards. We believe they  
14 apply to Illinois, even if they are not  
15 included in Part 243, and we have an  
16 obligation under federal law to address  
17 those standards, even if they are not  
18 contained in Part 243. So I think it would  
19 be a mistake to go back and adopt the 1-hour  
20 standard when they no longer exist at the  
21 federal level.

22                   MR. DAVIS: Thank you. I now have  
23 some questions that are focused directly at  
24 the contents of the proposal. It might be

1           useful to refer to that. In the proposed  
2           section 243.120, that would be the PM10,  
3           the proposal says in part, "That the ambient  
4           air quality standard for PM10 is a maximum  
5           24-hour concentration of 150 micrograms per  
6           cubic meter." Does this language mean that  
7           the standard is violated if the Agency  
8           performs for a single 24-hour period at a  
9           value greater than 150 micrograms per cubic  
10          meter?

11                   MR. KALEEL: That is not in keeping  
12           with the form of the standard. I believe  
13           the form of the standard is 150 micrograms  
14           per cubic meter not to be exceeded more than  
15           once per year.

16                   MR. DAVIS: I see. And that I think  
17           is similar to the federal Ambient Air  
18           Quality Standard language.

19                   I guess I can -- can I enter  
20           that as an exhibit if I were to distribute  
21           the Code of Federal Regulations for  
22           reference?

23                   HEARING OFFICER FOX: Certainly. If  
24           you've got copies of that, you can

1 distribute, we can take that up.

2 MR. DAVIS: This would be Title 40,  
3 Sections 50.4 through 50.15, which contain  
4 the National Ambient Air Quality Standards  
5 for the various pollutants.

6 HEARING OFFICER FOX: Mr. Davis, I'll  
7 take your circulation of that as a motion to  
8 admit this as Hearing Exhibit 1. Is that a  
9 fair assessment?

10 MR. DAVIS: That would be, exactly.

11 HEARING OFFICER FOX: Does the Agency  
12 wish to be heard on the motion to admit this  
13 as Exhibit 1?

14 MR. MATOESIAN: No, thank you.

15 HEARING OFFICER FOX: Very good. It  
16 will be marked as Exhibit 1, the citation to  
17 the Code of Federal Regulations as Mr. Davis  
18 had indicated.

19 MR. DAVIS: The PM10 standard is  
20 contained in Section 50.6, and as you  
21 indicated, it says there in subsection A,  
22 the number of days per calendar year is a  
23 single exceedance. And I was just curious  
24 to know why or if there was a reason that

1 the Agency doesn't explicitly include this  
2 or similar language in the standard it's  
3 proposing?

4 MR. KALEEL: I don't think we're  
5 opposed to do doing that. I would note that  
6 the language that you just distributed also  
7 makes reference to Appendix K, as does our  
8 proposal, and I think the effect of Appendix  
9 K would do exact the same thing. It  
10 identifies that the first exceedance of 150  
11 micrograms per cubic meter does not  
12 constitute a violation and takes a second  
13 exceedance. I think our proposal does the  
14 same thing, but we're not opposed to some  
15 clarifying language if it's determined  
16 that's necessary.

17 MR. DAVIS: Okay. Thank you.

18 Similarly, with regard to the  
19 PM5 standard, that would be the 243.20A,  
20 and for comparison's sake, is 40CFR,40E.7,  
21 referring these two, comparing these two  
22 sections, the Agency's proposed  
23 standard refers to 50 micrograms per cubic  
24 meter, and the federal standard is

1           15.0 micrograms per cubic meter. That's  
2           just one indication that was pointed out to  
3           me. A second being that the standard is  
4           described as being met in the federal  
5           standard when the annual arithmetical mean  
6           concentration is determined in accordance  
7           with the Appendix N, this part is less than  
8           15.0 micrograms per cubic meter. This  
9           information isn't included or at least it's  
10          not immediately obvious whether or not the  
11          reference to Appendix N is applicable to  
12          both the 24-hour and the annual standards in  
13          the proposal or to me at least it's not  
14          immediately evident that this is the case.  
15          Is that the intent?

16                   MR. KALEEL: The intent is for  
17          Appendix N to apply to both standards, and  
18          that is consistent with the language in the  
19          federal standard that you have supplied.

20                   MR. DAVIS: Thank you. Turning our  
21          attention to the 8-hour ozone standard  
22          contained --

23                   MEMBER RAO: Mr. Davis, before you  
24          go to that -- Mr. Kaleel, you didn't

1 respond to the issue of 15.0 --

2 MR. DAVIS: Yes, you are right.

3 Thank you.

4 MEMBER RAO: -- micrograms per cubic  
5 meter.

6 MR. KALEEL: The 15.0, that could  
7 conceivably have a substantive effect, and I  
8 would agree that the value should be 15.0.  
9 In prior air quality standards there's  
10 frequently some discussion or some process  
11 to deal with rounding. So it's conceivable  
12 that 15 micrograms could be interpreted than  
13 15.0. So I think we probably would intend  
14 to amend that to make it look at 15.0.

15 MEMBER RAO: Just one more. This is  
16 more of a procedural issue. For PM2.5 you  
17 are given a section number of 243.120A, and  
18 as far as I can tell we have not seen  
19 sections broken up in terms of A, B, and C.  
20 Would it be acceptable to the Agency if we  
21 just make it 243.121?

22 MR. KALEEL: I think we'd want to  
23 consider that. We noticed that 243.121 is  
24 listed as repealed with an effective date of

1           1/22. I suspect our attorneys were trying  
2           not to use the same section number, but I  
3           think I'd want to consult with your  
4           attorneys.

5                   MEMBER RAO: Because we may have  
6           some J-CAR issues with that numbering  
7           system.

8                   MR. KALEEL: I appreciate you  
9           pointing that out, and I think we will take  
10          a look at that matter.

11                   MEMBER RAO: Thank you.

12                   MR. DAVIS: Turning our attention to  
13          the 8-hour ozone standard contained in the  
14          243.125, and similarly in Section 50.10 of  
15          the Code of Federal Regulations, I was  
16          pointing out the difference that the  
17          Agency's proposal states that the standard  
18          is based on the fourth highest 8-hour daily  
19          value recorded in a calendar year. But  
20          unlike the federal standard, it doesn't  
21          explain that compliance is based on the  
22          three-year average of the annual fourth  
23          highest daily maximum 8-hour averages. And  
24          I have to apologize because I didn't see

1           that.

2                       MR. KALEEL:  Again, I guess we'd  
3           want to take a look specifically at the  
4           language that you are pointing to.  It is  
5           our intent to match up the state air quality  
6           standard with the federal air standard?  If  
7           there's some sloppiness on that, I do  
8           apologize, but we do intend for the state  
9           standards to match the federal standards.

10                    MR. DAVIS:  Okay.  If I could take a  
11           minute here.

12                    HEARING OFFICER FOX:  That's just  
13           fine, Mr. Davis.  Please go ahead.

14                    MR. DAVIS:  Okay, thank you.

15                    HEARING OFFICER FOX:  Please go ahead,  
16           if you have more questions, Mr. Davis.

17                    MR. DAVIS:  A few more.

18                    With regard to the lead  
19           standard, this would be in the amended  
20           proposal, Section 243.126.  Initially I'd  
21           like to indicate that under subsection A you  
22           referred to air quality standard for lead,  
23           and I suspected this was the case.  But I  
24           wanted to confirm that there was not an

1           intent to have more than one standard. My  
2           question that immediately came to mind was  
3           that there was going to be a primary and  
4           secondary or whether it was just the single  
5           standard in this proposal; is that correct?

6                   MR. KALEEL: I believe there is just  
7           a single standard.

8                   MR. DAVIS: Okay. I'd also like to  
9           indicate that as you stated, I believe it  
10          was in regard to the PM10 standard, referred  
11          to the appendix that referenced how that  
12          standard was to be met, yet in this lead  
13          standard, that is not included, this is an  
14          Appendix R, which is the method for  
15          interpreting the standard. Is there a  
16          reason the Agency chose not to explicitly  
17          refer to this Appendix R? And that would  
18          not be in the CFR's I distributed because  
19          that lead standard was published after the  
20          CFR's. So we would have to turn to your  
21          filing of the federal register for that  
22          citation. Federal register, volume 73, page  
23          60752. This was the Agency's filing  
24          accompanied the amendment.

1 HEARING OFFICER FOX: That was 67052?

2 MR. DAVIS: Correct. And the  
3 national primary and secondary ambient  
4 air quality standard for lead are contained  
5 in Section 50.16. And in subsection B of  
6 that section, it's on the left-hand column  
7 about three inches down, it's subsection B,  
8 and it describes the use of Appendix R to  
9 determine whether or not the standard is  
10 met. And I guess my question is, is there a  
11 reason that that appendix R, the reference  
12 to appendix R was not included in the  
13 proposed standard?

14 MR. KALEEL: I'm not aware of a  
15 reason why that was excluded. I think I  
16 appreciate you pointing that out. We'll go  
17 back and take a look at that and see if an  
18 amendment is appropriate.

19 MR. DAVIS: Okay. Thank you. I  
20 have just a few more -- a few questions, and  
21 these are along the same vein. However,  
22 these are in reference to some of the  
23 standards that aren't being explicitly  
24 overridden. For example, the sulfur dioxide

1 standard, which is contained in 243.122,  
2 contains substantial differences between the  
3 current state standard and the U.S. EPA  
4 standard. Would the Agency be considering  
5 reviewing standard other than those it's  
6 explicitly updated to make them consistent  
7 with the federal standards?

8 MR. KALEEL: We are not proposing  
9 any changes for sulfur dioxide. We are  
10 trying to get caught up, if you will, with  
11 changes for the other standards that we have  
12 noted. The SO2 standard that you have  
13 referred to has existed at the state level  
14 for many years. It's not our intent to  
15 revise that at this time.

16 MR. DAVIS: The Carbon Monoxide Air  
17 Quality Standard, perhaps contained in  
18 243.123, is expressed in parts per million  
19 where in comparison to 50.8 of the CFR is a  
20 standard in -- excuse me one second -- 40CFR  
21 50.8 is the standard for carbon monoxide is  
22 in parts per million, and the Agency  
23 standard is in milligrams per cubic meter.  
24 The federal standard also provides data

1 summary conventions and rounding conventions  
2 that are used when comparing and monitoring  
3 data for the level of the standard. Would  
4 the Agency consider making notary changes  
5 to better adapt its standard to the federal  
6 NAAQS, National Air Quality Standards, in  
7 order to avoid possible confusion?

8 MR. KALEEL: Again, it's not our  
9 intent to revise the carbon monoxide  
10 standard. I noted that in the Board's  
11 version of 243.123 for carbon monoxide both  
12 milligrams per cubic meter and parts per  
13 million are listed, and at least my quick  
14 read here on the CFR language that you  
15 distributed, U.S. EPA does it the same way.  
16 Different ones are parenthetical, but both  
17 units are listed, both parts per million and  
18 milligrams per cubic meter, and in both  
19 parts of the rule. I guess I don't  
20 understand why there would be any need to  
21 revise anything since both are listed.  
22 Having said that, we are not proposing any  
23 changes for carbon monoxide. It's not our  
24 intent to do so.

1                   MR. DAVIS: I suspect your answer  
2 might be similar for nitrogen dioxide?

3                   MR. KALEEL: You suspect correctly.  
4 We are not making changes to nitrogen  
5 dioxide. These quality levels have existed  
6 for a very long time, and at such time  
7 U.S. EPA revises those standards, we will  
8 revisit those, but we don't intend to do  
9 those at this time.

10                  MEMBER RAO: May I ask a follow-up  
11 question, Mr. Kaleel, just for the record?  
12 Could you clarify whether the Agency has  
13 looked at these standards that Mr. Davis  
14 questioned you about to see if there were  
15 any substantive changes at the federal level  
16 that we need to make at the state level?

17                  MR. KALEEL: To be honest, we've not  
18 spent any time on the older standards. I  
19 don't believe, with the exception of sulfur  
20 dioxide, I don't believe just from my own  
21 knowledge of these standards that are there  
22 substantive differences. The sulfur  
23 dioxide, I believe there's a difference in  
24 determining compliance between the state

1 level and the federal level, and I think we  
2 believe that the standard should remain the  
3 way we've had it listed for at least  
4 20 years. Maybe longer than that.

5 MEMBER RAO: And you had no problems  
6 with the U.S. EPA in terms of how the state  
7 is implementing those sulfur dioxides?

8 MR. KALEEL: I believe our sulfur  
9 dioxide, the way it is, is slightly more  
10 stringent than the U.S. EPA standard. I  
11 also point out that there are no places in  
12 Illinois that's an issue. All of Illinois  
13 is in attainment with both the state form of  
14 the standard and the federal form of the  
15 standard. So we are not really interested  
16 in proposing a change to that at this time.

17 MR. DAVIS: Thank you. That's it  
18 for me.

19 HEARING OFFICER FOX: No further  
20 questions, Mr. Davis?

21 MR. DAVIS: No. Thank you.

22 HEARING OFFICER FOX: Mr. Davis has  
23 indicated that he is has completed his  
24 questions, and both Board Member Moore and

1 Mr. Rao have indicated they have no  
2 questions based on that testimony. So it is  
3 appropriate, Mr. Kaleel, to thank you for  
4 your preparation of that testimony and time  
5 in testifying today.

6 If everyone is prepared to do  
7 so, why don't we go off the record briefly  
8 and speak about procedural issues for just a  
9 moment or two.

10 (Whereupon, a discussion was had  
11 off the record.)

12 HEARING OFFICER FOX: In going off  
13 the record and discussing procedural  
14 matters, participants have agreed to  
15 schedule a second hearing in this rulemaking  
16 to take place at 2:00 p.m. on Tuesday, April  
17 28, 2009, in Springfield at the Pollution  
18 Control Board offices. With the deadline of  
19 Tuesday, April 14, 2009, for pre-filing  
20 testimony. And it's the Board's intent that  
21 the mailbox rule would not apply, and the  
22 pre-filed testimony would be in the Board's  
23 offices on the 14th.

24 In addition, anyone with the

1 clerk of Board, those may be made  
2 electronically through the Board's clerk's  
3 office on-line or call and any questions  
4 about that procedure can be directed to John  
5 Therriault, T-H-E-R-R-I-A-U-L-T, who is the  
6 Board's assistant clerk. Those filings must  
7 also be served on the hearing officer and on  
8 those persons on the service list as well.  
9 Copies of the transcript of today's hearing  
10 should be available in about eight business  
11 days, by Friday March 20th, and very soon  
12 after that, the transcript would be posted  
13 to the Board's website [www.ipcb.state.il.us](http://www.ipcb.state.il.us).  
14 under this docket number R09-19.

15 If any anybody has questions  
16 regarding procedural aspects of this  
17 rulemaking, they may reach me through the  
18 information on the Board's site just  
19 provided.

20 Any other matters that need to  
21 be addressed at this time? Again, thanks to  
22 all of you for your time, effort and travel  
23 from Springfield. We're adjourned, and  
24 we look forward to seeing you in Springfield

1           on the 28th of April.

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1 STATE OF ILLINOIS )  
2 ) SS.  
3 COUNTY OF COOK )

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6 I, DENISE A. ANDRAS, being a Certified  
7 Shorthand Reporter doing business in the City of  
8 Chicago, Illinois, County of Cook, certify that I  
9 reported in shorthand the proceedings had at the  
10 foregoing hearing of the above-entitled cause.

11 And I certify that the foregoing is a true and  
12 correct transcript of all my shorthand notes so  
13 taken as aforesaid and contains all the  
14 proceedings had at the said hearing of the  
15 above-entitled cause.

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DENISE A. ANDRAS, CSR

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CSR NO. 084-0003437

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