

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)
)
) 10-8
) R09-
AMENDMENTS TO 35 ILL. ADM. CODE 218,) (Rulemaking-Air)
ORGANIC MATERIAL EMISSION)
STANDARDS FOR THE CHICAGO AREA,)
35 ILL. ADM. CODE 219, ORGANIC)
MATERIAL EMISSION STANDARDS FOR)
THE METRO EAST AREA, AND)
35 ILL. ADM. CODE 211)

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JUL 09 2009
STATE OF ILLINOIS
Pollution Control Board

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11. Documents Relied Upon:

Control Techniques Guidelines for Offset Lithographic Printing and Letterpress Printing, United States Environmental Protection Agency, Office of Air Quality Planning and Standards, Research Triangle Park, NC, September 2006.

Control Techniques Guidelines for Flexible Package Printing, United States Environmental Protection Agency, Office of Air Quality Planning and Standards, Research Triangle Park, NC, September 2006.

Control Techniques Guidelines: Industrial Cleaning Solvents, United States Environmental Protection Agency, Office of Air Quality Planning and Standards, Research Triangle Park, NC, September 2006.

Control Techniques Guidelines for Flat Wood Paneling Coatings, United States Environmental Protection Agency, Office of Air Quality Planning and Standards, Research Triangle Park, NC, September 2006.

Technical Support Document for Controlling VOM Emissions from Lithographic Printing Operations, Illinois Environmental Protection Agency, Air Quality Planning Section, Springfield, IL, October 1994.

Control Techniques Guideline Series: Control of Volatile Organic Compound Emissions from Offset Lithographic Printing (DRAFT), United States Environmental Protection Agency, Office of Air Quality Planning and Standards, Research Triangle Park, NC, September 1993.

Control of volatile organic compound emissions from industrial solvent cleaning operations (Proposed), Ohio Administrative Code 3745-21-23 (February 2, 2009).

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NOTICE

To: John Therriault, Assistant Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph, Suite 11-500
Chicago, Illinois 60601-3218

Matthew Dunn, Chief
Division of Environmental Enforcement
Office of the Attorney General
188 West Randolph, 20th Floor
Chicago, IL 60601

Virginia Yang
Deputy Legal Counsel
Illinois Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702

PLEASE TAKE NOTICE that I have today filed with the Office of the Pollution Control Board the REGULATORY PROPOSAL entitled "AMENDMENTS TO 35 ILL. ADM. CODE 218, ORGANIC MATERIAL EMISSION STANDARDS FOR THE CHICAGO AREA, 35 ILL. ADM. CODE 219, ORGANIC MATERIAL EMISSION STANDARDS FOR THE METRO EAST AREA, AND 35 ILL. ADM. CODE 211," MOTION FOR WAIVER, MOTION FOR EXPEDITED REVIEW, and APPEARANCES of the Illinois Environmental Protection Agency, a copy of which is herewith served upon you.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

By: *Dana Vetterhoffer*
Dana Vetterhoffer
Assistant Counsel
Division of Legal Counsel

DATED: July 8, 2009

1021 N. Grand Ave. East
P.O. Box 19276
Springfield, IL 62794-9276
(217) 782-5544

THIS FILING IS SUBMITTED ON RECYCLED PAPER

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APPEARANCE

The undersigned hereby enters her appearance as an attorney on behalf of the Illinois Environmental Protection Agency.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

By: Dana Vetterhoffer
Dana Vetterhoffer
Assistant Counsel
Division of Legal Counsel

DATED: July 8, 2009

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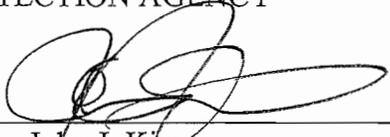
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APPEARANCE

The undersigned hereby enters his appearance as an attorney on behalf of the Illinois
Environmental Protection Agency.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

By: 
John J. Kim
Chief Legal Counsel
Division of Legal Counsel

DATED: July 8, 2009

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P.O. Box 19276
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ILLINOIS ENVIRONMENTAL PROTECTION AGENCY PROPOSAL OF REGULATIONS

The Illinois Environmental Protection Agency moves that the Illinois Pollution Control Board adopt the attached regulations.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

By: Douglas P. Scott
Douglas P. Scott
Director

DATED: June 29, 2009

1021 N. Grand Ave. East
P.O. Box 19276
Springfield, IL 62794-9276
(217) 782-5544

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CERTIFICATION OF REQUIRED RULE

The Illinois Environmental Protection Agency certifies in accordance with 35 Ill. Adm. Code 102.202(h) and 102.500, and 415 ILCS 5/28.2(b), that it believes that this proposal for amendments to 35 Ill. Adm. Code 211, 218, and 219 is a federally required rule under Sections 172(c)(1) and 182(b)(2) of the Clean Air Act ("CAA"). 42 U.S.C. §§ 7502(c)(1) and 7511a(b)(2).

The proposal for amendments is needed to satisfy Illinois' obligation to submit a State Implementation Plan ("SIP") for sources of volatile organic materials ("VOM") emissions in areas designated as nonattainment with respect to the ozone National Ambient Air Quality Standard ("NAAQS"). Section 172(c)(1) of the CAA provides that states must include in their SIPs for nonattainment areas "reasonably available control measures," including "reasonably available control technology" ("RACT"), for sources of emissions. 42 U.S.C. § 7502(c)(1). Section 182(b)(2) of the CAA provides that, for ozone nonattainment areas, the State must revise its SIP to include RACT for sources of VOM emissions covered by a control techniques guideline ("CTG") issued between November 15, 1990, and the date of attainment. 42 U.S.C. § 7511a(b)(2).

The proposed amendments are intended to establish RACT requirements for Group II Consumer and Commercial Product categories in response to CTGs issued by the United States Environmental Protection Agency for such categories, and thereby satisfy the CAA requirements described above.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

By: 
Dana Vetterhoffer
Assistant Counsel
Division of Legal Counsel

DATED: July 8, 2009

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CERTIFICATION OF ORIGINATION

The Illinois Environmental Protection Agency certifies in accordance with 35 Ill. Adm. Code 102.202(i) that this proposal for amendments to 35 Ill. Adm. Code 211, 218, and 219 amends the most recent version of the rules as published on the Illinois Pollution Control Board's website.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

By: Dana Vetterhoffer
Dana Vetterhoffer
Assistant Counsel
Division of Legal Counsel

DATED: July 8, 2009

1021 N. Grand Ave. East
P.O. Box 19276
Springfield, IL 62794-9276
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**Agency Analysis of Economic and
Budgetary Effects of Proposed Rulemaking**

Agency: Illinois Pollution Control Board

Part/Title: Definitions and General Provisions (35 Ill. Adm. Code Part 211)

Illinois Register Citation: _____

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Please attempt to provide as dollar-specific responses as possible and feel free to add any relevant explanation.

1. Anticipated effect on State expenditures and revenues.

- (a) Current cost to the agency for this program/activity. \$ 0 per year
(approximately)
- (b) If this rulemaking will result in an increase or decrease in cost, specify the fiscal year in which this change will first occur and the dollar amount of the effect.
N/A
- (c) Indicate the funding source, including Fund and appropriation lines, for this program/activity. N/A
- (d) If an increase or decrease in the costs of another State agency is anticipated, specify the fiscal year in which this change will first occur and the estimated dollar amount of the effect. N/A
- (e) Will this rulemaking have any effect on State revenues or expenditures not already indicated above? No

2. Economic effect on persons affected by the rulemaking:

- (a) Indicate the economic effect and specify the persons affected:

Positive ___ Negative ___ No effect X

Persons affected: Owners and operators of affected lithographic printers, letterpress printers, flexible package printers, flat wood paneling coaters, and sources using industrial cleaning solvents.

Dollar amount per person: 0

Total statewide cost: 0

- (b) If an economic effect is predicted, please briefly describe how the effect will occur. N/A

- (c) Will the rulemaking have an indirect effect that may result in increased administrative costs? **No** Will there be any change in requirements such as filing, documentation, reporting or completion of forms? **No**

The proposed changes to Part 211 should have no indirect effect that may result in increased administrative costs.

**Agency Analysis of Economic and
Budgetary Effects of Proposed Rulemaking**

Agency: Illinois Pollution Control Board

Part/Title: Organic Material Emission Standards and Limitations for the Chicago Area (35 Ill. Adm. Code Part 218)

Illinois Register Citation: _____

Please attempt to provide as dollar-specific responses as possible and feel free to add any relevant explanation.

1. Anticipated effect on State expenditures and revenues.
 - (a) Current cost to the agency for this program/activity. ~\$50,300 per year
 - (b) If this rulemaking will result in an increase or decrease in cost, specify the fiscal year in which this change will first occur and the dollar amount of the effect.
N/A
 - (c) Indicate the funding source, including Fund and appropriation lines, for this program/activity. N/A
 - (d) If an increase or decrease in the costs of another State agency is anticipated, specify the fiscal year in which this change will first occur and the estimated dollar amount of the effect. N/A
 - (e) Will this rulemaking have any effect on State revenues or expenditures not already indicated above? No

2. Economic effect on persons affected by the rulemaking:
 - (a) Indicate the economic effect and specify the persons affected:

Positive ___ Negative X No effect ___

Persons affected: See list of potentially affected sources in TSD.

Dollar amount per person:
Affected lithographic printers: \$0-855/ton
Affected letterpress printers: \$0-855/ton
Affected flexible package printers: \$0-2800/ton
Affected flat wood paneling coaters: \$0-2600/ton
Affected industrial cleaning solvent users: Probable cost savings

Total statewide cost:
Affected lithographic printers: \$308/day
Affected letterpress printers: \$4/day

Affected flexible package printers: \$84/day
Affected flat wood paneling coaters: \$130/day
Affected industrial cleaning solvent users: Probable cost savings

- (b) If an economic effect is predicted, please briefly describe how the effect will occur. **Costs due to control measures for newly-affected sources, as described in TSD.**
- (c) Will the rulemaking have an indirect effect that may result in increased administrative costs? Will there be any change in requirements such as filing, documentation, reporting or completion of forms?

The rulemaking will require a small amount of additional reporting but should have no more than a negligible indirect effect that may result in increased administrative costs.

Agency Analysis of Economic and Budgetary Effects of Proposed Rulemaking

Agency: Illinois Pollution Control Board

Part/Title: Organic Material Emission Standards and Limitations for the Metro East Area
(35 Ill. Adm. Code Part 219)

Illinois Register Citation: _____

Please attempt to provide as dollar-specific responses as possible and feel free to add any relevant explanation.

1. Anticipated effect on State expenditures and revenues.
 - (a) Current cost to the agency for this program/activity. ~\$5,500 per year
 - (b) If this rulemaking will result in an increase or decrease in cost, specify the fiscal year in which this change will first occur and the dollar amount of the effect.
N/A
 - (c) Indicate the funding source, including Fund and appropriation lines, for this program/activity. N/A
 - (d) If an increase or decrease in the costs of another State agency is anticipated, specify the fiscal year in which this change will first occur and the estimated dollar amount of the effect. N/A
 - (e) Will this rulemaking have any effect on State revenues or expenditures not already indicated above? No

2. Economic effect on persons affected by the rulemaking:
 - (a) Indicate the economic effect and specify the persons affected:

Positive Negative No effect

Persons affected: See list of potentially affected sources in TSD.

Dollar amount per person:
Affected lithographic printers: \$0-855/ton
Affected letterpress printers: \$0 (no affected sources)
Affected flexible package printers: \$0 (no affected sources needing add-on control modification)
Affected flat wood paneling coaters: \$0 (no affected sources)
Affected industrial cleaning solvent users: Probable cost savings

Total statewide cost:
Affected lithographic printers: \$6/day

Affected letterpress printers: \$0 (no affected sources)

Affected flexible package printers: \$0 (no affected sources needing add-on control modification)

Affected flat wood paneling coaters: \$0 (no affected sources)

Affected industrial cleaning solvent users: Probable cost savings

- (b) If an economic effect is predicted, please briefly describe how the effect will occur. **Costs due to control measures for newly-affected sources, as described in TSD.**
- (c) Will the rulemaking have an indirect effect that may result in increased administrative costs? Will there be any change in requirements such as filing, documentation, reporting or completion of forms?

The rulemaking will require a small amount of additional reporting but should have no more than a negligible indirect effect that may result in increased administrative costs.

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MOTION FOR WAIVER OF REQUIREMENTS

The Proponent, the Illinois Environmental Protection Agency ("Illinois EPA"), by its attorney, and pursuant to 35 Ill. Adm. Code 101.500, 102.110, 102.200, and 102.402, respectfully moves that the Illinois Pollution Control Board ("Board") waive the requirement that the Illinois EPA submit the original and nine copies of the regulatory proposal including all documents relied upon. In support of its Motion, Illinois EPA states as follows:

1. Section 102.200 of the Board's procedural rules requires that the original and nine copies of each regulatory proposal be filed with the Clerk.

2. Section 27(a) of the Environmental Protection Act ("Act") requires that the Illinois EPA provide information supporting the proposal. 415 ILCS 5/27(a). In doing so, the Illinois EPA has provided documents which were directly relied upon when drafting the regulatory proposal. The documents relied upon are as follows:

- a. *Control Techniques Guidelines for Offset Lithographic Printing and Letterpress Printing*, United States Environmental Protection Agency, Office of Air Quality Planning and Standards, Research Triangle Park, NC, September 2006.
- b. *Control Techniques Guidelines for Flexible Package Printing*, United States Environmental Protection Agency, Office of Air Quality Planning and Standards, Research Triangle Park, NC, September 2006.

- c. *Control Techniques Guidelines: Industrial Cleaning Solvents*, United States Environmental Protection Agency, Office of Air Quality Planning and Standards, Research Triangle Park, NC, September 2006.
- d. *Control Techniques Guidelines for Flat Wood Paneling Coatings*, United States Environmental Protection Agency, Office of Air Quality Planning and Standards, Research Triangle Park, NC, September 2006.
- e. *Technical Support Document for Controlling VOM Emissions from Lithographic Printing Operations*, Illinois Environmental Protection Agency, Air Quality Planning Section, Springfield, IL, October 1994.
- f. *Control Techniques Guideline Series: Control of Volatile Organic Compound Emissions from Offset Lithographic Printing (DRAFT)*, United States Environmental Protection Agency, Office of Air Quality Planning and Standards, Research Triangle Park, NC, September 1993.
- g. *Control of volatile organic compound emissions from industrial solvent cleaning operations (Proposed)*, Ohio Administrative Code 3745-21-23 (February 2, 2009).

3. This entire regulatory proposal consists of over 700 pages. Given the length of the proposal and the resources required to provide nine copies, Illinois EPA requests that the Board waive the normal copy requirements and allow Illinois EPA to file the original and four complete copies of the documents.

WHEREFORE, the Illinois EPA moves that the Board waive the copy requirement and allow the Illinois EPA to provide the Board with an original and four copies of the proposal and the documents relied upon in the development of the proposal, as listed above.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

By: 
Dana Vetterhoffer
Assistant Counsel
Division of Legal Counsel

DATED: July 8, 2009

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STATEMENT OF REASONS

I. INTRODUCTION

The Illinois Environmental Protection Agency ("Illinois EPA") submits this Statement of Reasons to the Illinois Pollution Control Board ("Board") pursuant to Sections 27 and 28 of the Environmental Protection Act ("Act") (415 ILCS 5/27 and 28) and 35 Ill. Adm. Code 102.202 in support of the attached proposal of regulations. These regulations are proposed to control emissions of Volatile Organic Material ("VOM"), which is effectively the same as volatile organic compounds ("VOC"), from the following Group II Consumer and Commercial Product Categories: Industrial Cleaning Solvents, Flat Wood Paneling Coatings, Flexible Packaging Printing Materials, Lithographic Printing Materials, and Letterpress Printing Materials.

This proposed rulemaking is intended to meet certain obligations of the State of Illinois under the federal Clean Air Act ("CAA"), 42 U.S.C. § 7401 *et seq.* Specifically, the rulemaking is intended to satisfy Illinois' obligation to submit a State Implementation Plan ("SIP") to address requirements under Sections 172 and 182 of the CAA for sources of VOM emissions in areas designated as nonattainment with respect to the ozone National Ambient Air Quality Standard ("NAAQS"): *See* 42 U.S.C. §§ 7502 and 7511a.

Section 172(c)(1) of the CAA provides that states must include in their SIPs for nonattainment areas “reasonably available control measures” (“RACM”), including “reasonably available control technology” (“RACT”), for sources of emissions. 42 U.S.C. § 7502(c)(1). Section 182(b)(2) of the CAA provides that, for ozone nonattainment areas, the State must revise its SIP to include RACT for sources of VOC emissions covered by a control techniques guideline (“CTG”) issued between November 15, 1990, and the date of attainment. 42 U.S.C. § 7511a(b)(2).

Illinois is proposing reasonable and cost effective VOM controls for Group II Consumer and Commercial Product Categories in response to CTGs issued for such categories. Included in this proposal are amendments to 35 Ill. Adm. Code Part 218, Organic Material Emission Standards and Limitations for the Chicago Area; 35 Ill. Adm. Code Part 219, Organic Material Emission Standards and Limitations for the Metro East Area; and 35 Ill. Adm. Code Part 211, Definitions and General Provisions.

II. STATEMENT OF FACTS

The CAA establishes a comprehensive program for controlling and improving the nation’s air quality via state and federal regulations. The United States Environmental Protection Agency (“USEPA”) is charged with identifying air pollutants that endanger the public health and welfare and with formulating the NAAQS that specify the maximum permissible concentrations of those pollutants in the ambient air pursuant to Sections 108 and 109 of the CAA. 42 U.S.C. §§ 7408-7409.

A. 8-Hour Ozone NAAQS

Ozone is a gas composed of three atoms of oxygen. Ozone occurs both in the Earth’s upper atmosphere and at ground level. VOC is a primary precursor to the

formation of ground-level ozone, which is formed when oxides of nitrogen and VOC react in the atmosphere in the presence of sunlight. *71 Fed. Reg.* 58746 (Oct. 5, 2006). Exposure to sufficient concentrations of ground-level ozone is associated with agricultural crop loss, damage to forests and ecosystems, and a variety of human health effects, including acute respiratory symptoms, increased susceptibility to respiratory infection, and pulmonary inflammation. *71 Fed. Reg.* 58746.

On July 18, 1997, USEPA revised the NAAQS for ozone by replacing the 1-hour standard with an 8-hour standard. *62 Fed. Reg.* 38856 (July 18, 1997). In Illinois, there are two areas designated as nonattainment (moderate) for the 8-hour ozone standard: 1) the Chicago-Gary-Lake County, IL-IN designated area, which includes Cook, DuPage, Grundy (partial-Goose Lake and Aux Sable Townships), Kane, Kendall (partial-Oswego Township), Lake, McHenry, and Will Counties; and 2) the St. Louis, MO-IL designated area, which includes Jersey, Madison, Monroe, and St. Clair Counties. 40 CFR § 81.314.

B. Consumer and Commercial Products, Group II

Section 183(e) of the CAA required that USEPA conduct a study of the emissions of VOC into the ambient air from consumer and commercial products in order to determine their potential to contribute to ozone levels which violate the ozone NAAQS and to establish criteria for regulating emissions of VOC from those products. *71 Fed. Reg.* 58746. Section 183(e) provides, “[T]he Administrator shall list those categories of consumer or commercial products that the Administrator determines, based on the study, account for at least 80 percent of the VOC emissions . . . from consumer or commercial products in areas that violate the NAAQS for ozone” and shall divide the categories into groups. 42 U.S.C. § 7511b(e)(3)(A).

The CAA requires that USEPA then either regulate VOC emissions from such categories or issue a CTG in lieu of a national regulation if the Administrator determines that such guidance will be substantially as effective as regulations in reducing emissions of VOC which contribute to ozone levels in ozone nonattainment areas. 42 U.S.C. § 7511b(e)(3)(C). CTGs provide states with recommendations regarding what types of controls could constitute RACT for VOCs for the applicable source categories. 71 *Fed. Reg.* 58745, 58747. States must either adopt regulations to implement the recommendations in the CTG or adopt alternative approaches that constitute RACT, either of which must be submitted to the USEPA for review and approval as part of the SIP process. 71 *Fed. Reg.* 58745, 58747.

On October 5, 2006, the USEPA issued final CTGs for Group II Consumer and Commercial Product Categories in lieu of national regulations for the control of VOC emissions. The USEPA required that states submit SIP revisions in response to the CTGs within one year. 71 *Fed. Reg.* 58745-58753.

C. CAA's RACT Requirements

USEPA designated the Chicago and Metro East areas in Illinois as nonattainment (moderate) for the 8-hour ozone NAAQS, which triggered requirements under the CAA for adopting regulations that reduce emissions sufficiently to demonstrate attainment of the standard. Section 172(c)(1) of the CAA provides, in pertinent part:

(c) Nonattainment plan provisions

The plan provisions (including plan items) required to be submitted under this part shall comply with each of the following:

(1) In general

Such plan provisions shall provide for the implementation of all reasonably available control measures as expeditiously as practicable (including such reductions in emissions from existing sources in the area as may be obtained through the adoption, at a minimum, of reasonably available control technology) and shall provide for attainment of the national primary ambient air quality standards.

42 U.S.C. § 7502(c)(1). A subset of RACM is RACT, which is defined as the lowest emission limitation that a particular source can meet by applying a control technique that is reasonably available considering technological and economic feasibility. *See 44 Fed. Reg. 53762* (September 17, 1979).

Additionally, Section 182(b) of the CAA provides, in pertinent part:

(b) Moderate Areas

Each State in which all or part of a Moderate Area is located shall, with respect to the Moderate Area, make the submissions described under subsection (a) of this section (relating to Marginal Areas), and shall also submit the revisions to the applicable implementation plan described under this subsection.

.....

(2) Reasonably available control technology

The State shall submit a revision to the applicable implementation plan to include provisions to require the implementation of reasonably available control technology under section 7502(c)(1) of this title with respect to each of the following:

- (A) Each category of VOC sources in the area covered by a CTG document issued by the Administrator between November 15, 1990, and the date of attainment.

42 U.S.C. § 7511a(b)(2).

Sections 172 and 182 of the CAA establish the requirement for Illinois to submit VOC regulations constituting RACT for Group II Consumer and Commercial Product Categories in ozone nonattainment areas classified as moderate and above. Illinois was required to submit its SIP revisions by October 5, 2007.

III. PURPOSE AND EFFECT OF THE PROPOSAL

This rulemaking proposal has been prepared to satisfy Illinois' obligation to submit a SIP to address the requirements under Sections 172 and 182 of the CAA, as described above, for sources of VOC emissions in areas designated as nonattainment with respect to the ozone NAAQS. *See* 42 U.S.C. §§ 7502 and 7511a.

Also, Illinois is required to submit these SIP revisions before the USEPA can redesignate the Chicago and Metro East nonattainment areas as attaining the 1997 ozone NAAQS, regardless of whether the VOC reductions obtained by the SIP revisions are actually necessary to achieve attainment of the NAAQS. Section 107(d)(3)(E) of the CAA provides that the Administrator may not redesignate a nonattainment area to attainment unless the State has a fully-approved SIP for the area seeking redesignation and the State has met all applicable requirements of Section 110 and Part D (which includes the requirement that states adopt VOC RACT rules for categories covered by a CTG). 42 U.S.C. § 7407(d)(3)(E). In a September 17, 1993, guidance document from Michael H. Shapiro, Acting Assistant Administrator for Air and Radiation (“Shapiro Memorandum”), the USEPA confirmed, “[B]efore EPA can act favorably upon any State redesignation request, the statutorily-mandated control programs of section 110 and part D (that were due prior to the time of the redesignation request) must have been adopted by the State and approved by EPA into the SIP.” (Shapiro Memorandum, p. 2).¹

¹ *See also Wall v. USEPA*. In *Wall*, the United States Court of Appeals for the Sixth Circuit vacated the USEPA's redesignation of a state to attainment, in part because the state failed to promulgate VOC RACT rules in response to CTGs. The USEPA argued that fully adopted VOC RACT rules were unnecessary because the state did not need the reductions from such rules to achieve attainment. The court rejected USEPA's argument, holding that the CAA unambiguously requires that a SIP submitted with respect to a redesignation request contain fully adopted RACT rules required by Part D. Redesignation absent such rules was therefore improper. *Wall v. USEPA*, 265 F.2d 426, 433, 440-42 (6th Cir. 2001).

On July 2, 2007, the Illinois EPA submitted to the USEPA an attainment demonstration for the Metro East nonattainment area for the 1997 8-hour ozone NAAQS. On March 19, 2009, the Illinois EPA submitted an attainment demonstration for the Chicago nonattainment area as well. These areas cannot be redesignated to attainment of the ozone NAAQS, however, unless and until the Illinois EPA submits SIP revisions in response to the Group II CTGs and the USEPA approves such revisions.

Finally, in March 2008, USEPA strengthened the eight-hour ozone standard. 73 *Fed. Reg.* 16436 (March 27, 2008). It is likely that the same areas in Illinois that are currently designated as nonattainment for the present standards will soon be designated as nonattainment for the revised standard. While attainment of the revised standard is not the purpose of this rulemaking, it should be noted that any reduction in VOM emissions in the nonattainment areas resulting from these proposed amendments will likely help Illinois achieve the revised NAAQS.

Generally, Illinois EPA's regulatory proposal aims to implement the recommendations contained in the CTGs to the extent that such recommendations are consistent with, and impose stricter requirements than, existing regulations:

Industrial Cleaning Solvents. The proposed regulations apply to cleaning operations at sources that meet the applicability threshold set forth in the CTG, subject to several partial and complete exclusions. Per the CTG, the proposed regulations require that subject sources comply with work practice requirements and with one of three alternative control requirements.

Flat Wood Paneling Coatings. The proposed regulations require that flat wood paneling coating lines comply with the VOM content limitation specified in the CTG. As

an alternative to the VOM content limit, subject lines may comply with a daily weighted averaging limitation or utilize an add-on control device that meets a specified overall VOM reduction requirement. The proposed regulations also require that flat wood paneling coating lines comply with the existing cleaning and storage work practice requirements for wood furniture, as well as with the work practices set forth in the CTG.

Flexible Packaging Printing Materials. The proposed regulations require that flexographic and rotogravure printing lines that print flexible packaging, or that print flexible packaging and non-flexible packaging on the same line, comply with the CTG-recommended VOM content limit. Alternatively, such lines may comply with a weighted averaging limitation or install and operate a capture and control system that reduces VOM emissions by specified percentages. The proposed regulations also require that printing lines that meet the CTG's prescribed applicability threshold comply with work practice requirements for cleaning materials.

Lithographic Printing Materials. The proposed regulations provide that the existing requirements regarding fountain solutions and cleaning materials apply to sources that meet the applicability threshold specified in the CTG, subject to certain exclusions. Additionally, the proposed regulations require that afterburners or other approved control devices installed on heatset web offset lithographic printing lines reduce VOM emissions by specified percentages or to a maximum afterburner exhaust outlet concentration.

Letterpress Printing Materials. The proposed regulations require that heatset web letterpress printing lines that meet the CTG's prescribed applicability threshold install afterburners or other approved control devices that reduce VOM emissions by specified

percentages or to a maximum afterburner exhaust outlet concentration. All letterpress printing lines that meet the CTG's lower applicability threshold must comply with work practices for cleaning materials. Such lines must also comply with either a VOM content limit or VOM composite partial vapor pressure limit for as-used cleaning solutions, subject to a CTG-recommended exclusion for up to 110 gallons of cleaning materials per year.

IV. GEOGRAPHIC REGIONS AND SOURCES AFFECTED

The geographic regions subject to the proposed regulations are the two areas designated as nonattainment for the 8-hour ozone standard: 1) the Chicago-Gary-Lake County, IL-IN designated area, which includes Cook, DuPage, Grundy (partial-Goose Lake and Aux Sable Townships), Kane, Kendall (partial-Oswego Township), Lake, McHenry, and Will Counties; and 2) the St. Louis, MO-IL designated area, which includes Jersey, Madison, Monroe, and St. Clair Counties. 40 CFR § 81.314.

The proposed regulations are generally expected to affect both new and existing sources that are covered by a Group II CTG, are located in the Chicago or Metro East nonattainment areas, and meet the applicability criteria specified in the regulations. Appendix B to the TSD lists the sources potentially affected by the proposed regulations.

V. TECHNICAL FEASIBILITY AND ECONOMIC REASONABLENESS

The technology for controlling VOM emissions from Group II product categories is both technically feasible and economically reasonable. Affected sources can meet the requirements in the proposed amendments through a number of readily available control techniques.

Control techniques for reducing VOM emissions from industrial cleaning solvents include work practices, material reformulation or substitution (namely, the use of low-VOM cleaning solvents, no-VOM solvents, or low vapor pressure solvents), and add-on controls or modifying equipment. Similarly, material reformulation, add-on controls, and work practices for coatings and cleaning materials are available VOM reduction techniques for flat wood paneling coating lines. *See Technical Support Document.*

VOM control approaches for flexible packaging printing lines include material reformulation, add-on controls such as thermal oxidizers, catalytic oxidizers, and carbon adsorbers, and work practices for cleaning materials. For lithographic printing lines, control options include add-on controls for heatset web offset lithographic printing lines, such as thermal afterburners, catalytic afterburners, and condenser filter systems, fountain solution reformulation (such as the use of alcohol substitutes), process modifications for fountain solutions, and material reformulation or substitution for cleaning solutions. Control approaches for letterpresses are similar to those available for lithographic printing lines (although letterpresses do not utilize fountain solutions). *Technical Support Document.*

In the *Technical Support Document*, the Illinois EPA explains in detail that the above control approaches are economically feasible, particularly as many of the techniques are already widely used by the affected industries.

VI. COMMUNICATION WITH INTERESTED PARTIES

The Illinois EPA engaged in extensive outreach on this proposal. On November 5, 2008, the Illinois EPA posted a draft of the proposed rule and copies of the pertinent CTGs on its website for public comment. The Illinois EPA subsequently engaged in

numerous conference calls and exchanged correspondence with representatives of affected sources regarding the proposal.

Illinois EPA received several comments on the draft rule, and this proposal incorporates many of the concerns and suggestions set forth in those comments. Such comments can generally be categorized into the following areas: appropriate applicability thresholds and exclusions, methods of calculating applicability thresholds, appropriate control requirements, simplification of recordkeeping and reporting requirements, and revisions to proposed definitions. These regulations are being proposed after the interested parties have had an opportunity to review the proposal and discuss any issues with the Illinois EPA.

VII. SYNOPSIS OF TESTIMONY

The Illinois EPA plans to call David Bloomberg, Compliance Unit Manager, Compliance Section, Bureau of Air, Illinois EPA, as a witness at hearing. Mr. Bloomberg will testify regarding the proposed amendments and will answer questions. Written testimony will be submitted prior to hearing in accordance with the Board's procedural rules.

VIII. THE ILLINOIS EPA'S PROPOSAL

The following is a Section-by-Section summary of the Illinois EPA's proposal.

35 Ill. Adm. Code 211

Subpart B: Definitions

The Illinois EPA proposes amending current definitions in, and adding new definitions to, Part 211.

Section 211.1000 Class II Finish

The Illinois EPA proposes adding a definition for Class II finish. This definition is necessary for Subpart F.

Section 211.1745 Digital Printing

The Illinois EPA proposes adding a definition for digital printing. This definition is necessary for Section 218/219.187 of Subpart E.

Section 211.1878 Electrical Apparatus Component

The Illinois EPA proposes adding a definition for electrical apparatus component. This definition is necessary for Section 218/219.187 of Subpart E.

Section 211.1885 Electronic Component

The Illinois EPA proposes amending the definition of electronic component by extending the application of the definition to Section 218/219.187 and by adding an exception to the definition. These revisions are necessary for Section 218/219.187 of Subpart E.

Section 211.2355 Flat Wood Paneling

The Illinois EPA proposes adding a definition for flat wood paneling. This definition is necessary for Subpart F.

Section 211.2356 Flat Wood Paneling Coating Line

The Illinois EPA proposes adding a definition for flat wood paneling coating line. This definition is necessary for Subpart F.

Section 211.2368 Flexible Packaging

The Illinois EPA proposes adding a definition for flexible packaging. This definition is necessary for Subpart H.

Section 211.2615 General Work Surface

The Illinois EPA proposes adding a definition for general work surface. This definition is necessary for Section 218/219.187 of Subpart E.

Section 211.2830 Heatset

The Illinois EPA proposes amending the definition of “heatset” to include letterpress printing lines. This revision is necessary for Subpart H.

Section 211.2855 Heatset Web Letterpress Printing Line

The Illinois EPA proposes adding a definition for heatset web letterpress printing line. This definition is necessary for Subpart H.

Section 211.2965 High Precision Optic

The Illinois EPA proposes adding a definition for high precision optic. This definition is necessary for Section 218/219.187 of Subpart E.

Section 211.3215 Janitorial Cleaning

The Illinois EPA proposes adding a definition for janitorial cleaning. This definition is necessary for Section 218/219.187 of Subpart E.

Section 211.3305 Letterpress Printing Line

The Illinois EPA proposes adding a definition for letterpress printing line. This definition is necessary for Subpart H.

Section 211.3555 Maintenance Cleaning

The Illinois EPA proposes adding a definition for maintenance cleaning. This definition is necessary for Section 218/219.187 of Subpart E.

Section 211.3705 Medical Device

The Illinois EPA proposes adding a definition for medical device. This definition is necessary for Section 218/219.187 of Subpart E.

Section 211.3707 Medical Device and Pharmaceutical Manufacturing

The Illinois EPA proposes adding a definition for medical device and pharmaceutical manufacturing. This definition is necessary for Section 218/219.187 of Subpart E.

Section 211.4065 Non-Heatset

The Illinois EPA proposes amending the definition of “non-heatset” to include letterpress printing lines. This revision is necessary for Subpart H.

Section 211.5335 Radiation Effect Coating

The Illinois EPA proposes adding a definition for radiation effect coating. This definition is necessary for Section 218/219.187 of Subpart E.

Section 211.5535 Repair Cleaning

The Illinois EPA proposes adding a definition for repair cleaning. This definition is necessary for Section 218/219.187 of Subpart E.

Section 211.5585 Research and Development Operation

The Illinois EPA proposes adding a definition for research and development operation. This definition is necessary for Section 218/219.187 of Subpart E.

Section 211.5860 Scientific Instrument

The Illinois EPA proposes adding a definition for scientific instrument. This definition is necessary for Section 218/219.187 of Subpart E.

Section 211.5875 Screen Printing

The Illinois EPA proposes adding a definition for screen printing. This definition is necessary for Section 218/219.187 of Subpart E.

Section 211.5885 Screen Reclamation

The Illinois EPA proposes adding a definition for screen reclamation. This

definition is necessary for Section 218/219.187 of Subpart E.

Section 211.6405 Sterilization Indicating Ink

The Illinois EPA proposes adding a definition for sterilization indicating ink. This definition is necessary for Section 218/219.187 of Subpart E.

Section 211.6425 Stripping

The Illinois EPA proposes adding a definition for stripping. This definition is necessary for Section 218/219.187 of Subpart E.

Section 211.6535 Surface Preparation

The Illinois EPA proposes adding a definition for surface preparation. This definition is necessary for Section 218/219.187 of Subpart E.

Section 211.7290 Wood Furniture

The Illinois EPA proposes amending the definition of “wood furniture” by excluding flat wood paneling from such definition. This revision is necessary for Subpart F.

35 Ill. Adm. Code 218/219

Subpart A: General Provisions

Section 218/219.106 Compliance Dates

The Illinois EPA proposes adding a new subsection (e) to Section 218.106 and a new subsection (c) to Section 219.106, which establish May 1, 2010, as the compliance date for sources subject to the flat wood paneling emission limits.

Subpart E: Solvent Cleaning

Section 218/219.181 Solvent Cleaning in General

The Illinois EPA proposes changing the title of this Section to “Solvent Cleaning Degreasing Operations.” The Illinois EPA also proposes amending this Section to specify that Sections 218/219.182 through 218/219.184 and Section 218/219.186 are applicable to cold cleaning, open top vapor, and conveyORIZED degreasing operations.

Section 218/219.187 Other Industrial Solvent Cleaning Operations

The Illinois EPA proposes adding Section 218/219.187. Subsection (a) provides that the requirements in Section 218/219.187 apply to all cleaning operations which use organic materials at sources that emit 6.8 kg/day (15 lbs/day) or more of VOM from cleaning operations at the source, in the absence of air pollution control equipment. Subsection (a)(2), however, exempts numerous types of cleaning operations from some or all of the limitations in Section 218/219.187. Subsection (a) also defines “cleaning operations.”

Subsection (b) provides that no source subject to Section 218/219.187 shall perform subject cleaning operations unless the source complies with the applicable VOM content limitation, uses cleaning materials with a composite vapor pressure of no more than 8.0 mmHg measured at 20 degrees Celsius, or installs and operates an emissions control system that reduces VOM emissions from the subject cleaning operation by at least 85 percent overall.

Subsection (c) provides that sources shall demonstrate compliance with this Section by using the applicable test methods and procedures in Section 218/219.187(g) and by complying with all applicable recordkeeping and reporting requirements in Section 218/219.187(e).

Subsection (d) provides that, for each subject cleaning operation, subject sources shall cover open containers, minimize air circulation around the cleaning operation, properly dispose of used solvent and shop towels, and utilize equipment practices that minimize emissions.

Subsection (e) establishes recordkeeping and reporting requirements for sources subject to or exempt from the limitations of this Section. Subsection (e)(1) provides that, by May 1, 2010, sources exempt from the limitations of Section 218/219.187 because of the criteria in Section 218/219.187(a)(1) shall submit a certification to the Illinois EPA that includes a declaration that the source is exempt, as well as calculations which demonstrate that combined emissions of VOM from cleaning operations at the source never equal or exceed 6.8 kg/day (15 lbs/day). Such sources shall notify the Illinois EPA of any records that show that the combined emissions of VOM from cleaning operations at the source ever equal or exceed 6.8 kg/day (15 lbs/day).

Subsection (e)(2) provides that, by May 1, 2010, all sources subject to Section 218/219.187 shall submit a certification to the Illinois EPA that includes 1) a declaration that all subject cleaning operations are in compliance with the requirements of this Section; 2) identification of each subject cleaning operation and each VOM-containing cleaning solution used in such operation; 3) the limitation with which each subject cleaning operation will comply, and if complying with the emissions control system requirement, what type of emissions control system will be used; 4) initial documentation that each subject cleaning operation will comply with the applicable limitation; 5) identification of the method that will be used to demonstrate continuing compliance with the applicable limitations; 6) a description of the practices and procedures that the source

will follow to ensure compliance with the limitations of Section 218/219.187(d); and 7) a description of each cleaning operation exempt pursuant to Section 218/219.187(a)(2), if any, and a listing of the emission unit(s) on which the exempt cleaning operation is performed.

Subsection (e)(3) provides additional recordkeeping and reporting provisions for sources complying with the VOM content limitations in subsection (b)(1) of Section 218/219.187.

Subsection (e)(4) provides additional recordkeeping and reporting provisions for sources complying with the VOM composite partial vapor pressure limitations in subsection (b)(2) of Section 218/219.187

Subsection (e)(5) provides additional recordkeeping and reporting provisions for sources complying with the emissions control system requirements in subsection (b)(3) of Section 218/219.187.

Subsection (e)(6) provides that all sources subject to the requirements of subsections (b) and (d) of this Section shall notify the Illinois EPA of any violation of such subsections by providing a description of the violation and copies of records documenting the violation to the Illinois EPA within 30 days following the occurrence of the violation.

Subsection (e)(7) provides that all records required by subsection (e) shall be retained by the source for three years and shall be made available to the Illinois EPA upon request.

Subsection (f) establishes monitoring requirements for emissions control systems if such systems are used to demonstrate compliance.

Subsection (g) establishes requirements regarding testing to demonstrate compliance with Section 218/219.187.

Subpart F: Coating Operations

Section 218/219.204 Emission Limitations

The Illinois EPA proposes amending subsection (c) to provide that the paper coating limitation shall not apply to any owner or operator of a paper coating line on which lithographic or letterpress printing is performed if the paper coating line complies with the applicable emissions limitations in Subpart H of this Part.

The Illinois EPA proposes adding subsection (p) to Section 218.204 and subsection (o) to Section 219.204, which restrict the VOM content of flat wood paneling coatings to 0.25 kg VOM/l coatings or 0.35 kg VOM/l solids or less.

Section 218/219.205 Daily-Weighted Average Limitations

The Illinois EPA proposes amending subsection (a) of this Section to include flat wood paneling coating lines in the daily-weighted averaging alternative.

Section 218/219.207 Alternative Emission Limitations

The Illinois EPA proposes amending subsection (a) of this Section, adding subsection (l) to Section 218.207, and adding subsection (k) to Section 219.207 to include flat wood paneling coating lines in the alternative emissions limitations option. The proposed subsections provide that a flat wood paneling coating line may utilize a capture system and control device if such system provides at least 90 percent reduction in the overall emissions of VOM from the coating line or the owner or operator of the flat wood paneling coating line complies with all requirements set forth in subsection (b)(2) of this Section.

The Illinois EPA also proposes amending Section 218.207(h)(1) to correct the formatting of an equation.

Section 218/219.210 Compliance Schedule

The Illinois EPA proposes adding subsection (g), which provides that, on and after a date consistent with Section 218/219.106, sources subject to the flat wood paneling coating emission limitations shall comply with the applicable provisions in Subpart F.

Section 218/219.211 Recordkeeping and Reporting

The Illinois EPA proposes amending subsections (c) and (d) to provide that, for flat wood paneling coating lines, VOM content information shall be maintained and/or reported in terms of weight of VOM per volume of coatings or solids, as applicable, as applied each day on each coating line. The Illinois EPA also proposes correcting a spelling error in Section 218.211(c)(3)(A).

The Illinois EPA proposes amending subsection (e) to provide that flat wood paneling coating lines complying pursuant to Section 218/219.207 shall comply with the recordkeeping and reporting requirements set forth in subsection (e).

The Illinois EPA proposes adding subsection (g), which establishes recordkeeping and reporting requirements for flat wood paneling coating lines subject to the work practice requirements set forth in Section 218/219.217.

Finally, the Illinois EPA proposes adding a space and deleting a space in Section 218.211(b)(1).

Section 218/219.212 Cross-Line Averaging to Establish Compliance for Coating Lines

The Illinois EPA proposes amending this Section to provide that the cross-line averaging alternative is not available to flat wood paneling coating lines.

Section 218/219.217 Wood Furniture Coating Work Practice Standards

The Illinois EPA proposes changing the title of this Section to “Wood Furniture Coating and Flat Wood Paneling Coating Work Practice Standards.” The Illinois EPA also proposes amending this Section to provide that flat wood paneling coating lines are subject to the existing cleaning and storage work practice requirements in this Section. The Illinois EPA proposes adding additional cleaning and storage requirements for flat wood paneling coating lines as well; specifically, the Illinois EPA proposes requiring that such coating lines minimize spills of VOM containing coatings, thinners, and cleaning materials, minimize emissions of VOM during cleaning activities, and keep mixing vessels which contain VOM coatings and other materials closed except when specifically in use.

Subpart H: Printing and Publishing

Section 218/219.401 Flexographic and Rotogravure Printing

The Illinois EPA proposes amending this Section to separate requirements that are applicable prior to the new compliance date from those applicable after the new compliance date.

The Illinois EPA proposes amending subsection (a) to provide that, on and after May 1, 2010, owners and operators of flexographic or rotogravure printing lines that do not print flexible packaging and that are complying with subsection (a) shall comply with the existing VOM content limitations. Owners and operators of flexographic or rotogravure printing lines that print flexible packaging or that print flexible packaging

and non-flexible packaging on the same line shall restrict the VOM content of coatings and inks to .8 kg VOM/kg solids applied or .16 kg VOM/kg materials applied or less.

The Illinois EPA proposes amending Section 218/219.401(b) to provide that, on and after May 1, 2010, owners and operators of flexographic or rotogravure printing lines that do not print flexible packaging and that are complying with subsection (b) shall comply with the existing weighted averaging requirements. Owners and operators of flexographic or rotogravure printing lines that print flexible packaging, or that print flexible packaging and non-flexible packaging on the same line, and that are complying with subsection (b) shall not apply coatings or inks on the subject printing line unless the weighted average, by weight, VOM content of all coatings and inks as applied each day on the subject printing line does not exceed the VOM limitations specified in amendments to subsection (a) of this Section. The Illinois EPA proposes inserting equations for calculating the weighted average VOM content for such lines.²

The Illinois EPA also proposes amending Section 218.401(b)(1)(A) to correct a typographical error in the existing equation, and Section 219.401(b) to correct spacing errors in the existing equations.

The Illinois EPA proposes amending subsection (c) to provide that, on and after May 1, 2010, the owner or operator of a flexographic or rotogravure printing line that does not print flexible packaging and that is complying with subsection (c) shall equip the printing line with a capture system and control device that complies with the existing control efficiency requirements. The owner or operator of a flexographic or rotogravure printing line that prints flexible packaging shall equip the printing line with a capture system and control device that provides an overall reduction in VOM emissions of 65-80

² For ease of reading, however, the equations are not underlined in the text of the proposed rule.

percent, depending on the dates that the printing line and control system were first constructed at the subject source. The owner or operator of a flexographic or rotogravure printing line that prints flexible packaging and non-flexible packaging on the same line shall comply with the overall control efficiency requirements set forth in either subsection (c)(1)(D) or subsection (c)(3) of this Section, whichever is more stringent.

The Illinois EPA proposes amending subsection (c)(6) to specify the printing lines that are required to perform testing pursuant to this subsection.

The Illinois EPA proposes adding subsection (d), which provides that VOM-containing cleaning materials associated with flexographic or rotogravure printing lines that print flexible packaging or print flexible packaging and non-flexible packaging on the same line shall be kept, stored, and disposed of in closed containers, and conveyed from one location to another in closed containers or pipes.

Section 218/219.402 Applicability

The Illinois EPA proposes adding subsection (b), which provides that the limitations of Section 218/219.401(d) apply to all flexographic and rotogravure printing lines that print flexible packaging or print flexible packaging and non-flexible packaging on the same line at sources where the combined emissions of VOM from all flexographic and rotogravure printing lines total 6.8 kg/day (15 lbs/day) or more, in the absence of air pollution control equipment.

Section 218/219.403 Compliance Schedule

The Illinois EPA proposes adding subsections (e), (f), and (g), which establish May 1, 2010, as the compliance date for the requirements set forth in the proposed amendments.

Section 218/219.404 Recordkeeping and Reporting

The Illinois EPA proposes amending this Section to reference recordkeeping and reporting compliance dates for printing lines subject to the limitations in the proposed amendments to Section 218/219.401.

The Illinois EPA also proposes amending subsections (c) and (d) to clarify that the owner or operator of a printing line subject to the requirements in Section 218/219.401(a)(2)(B) or (b)(3) shall certify in accordance with subsection (c)(1) or (d)(1), as applicable, even if the owner or operator of such line submitted a certification prior to January 1, 2010.

The Illinois EPA proposes amending subsection (e) to provide that if the owner or operator of a printing line is not required to perform testing of a capture system and control device pursuant to Section 218/219.401(c)(6), the owner or operator shall submit a certification to the Agency that includes specified information. The Illinois EPA also proposes amending this subsection to provide that, by May 1, 2010, owners or operators of printing lines subject to Section 218/219.401(c)(3) or (c)(4) shall submit to the Illinois EPA records documenting the dates each subject printing line and control device were constructed at the subject source.

The Illinois EPA proposes adding subsections (f), (g), and (h). Subsection (f) establishes recordkeeping and reporting requirements for any owner or operator of a flexographic or rotogravure printing line that prints flexible packaging or prints flexible packaging and non-flexible packaging on the same line and which is exempt from the limitations of Section 218/219.401(d) because of the criteria in Section 218/219.402(b). Subsection (g) establishes recordkeeping and reporting requirements for any owner or

operator of a printing line subject to the limitations of Section 218/219.401(d).

Subsection (h) provides that all records required by subsections (f) and (g) shall be retained for three years and shall be made available to the Agency upon request.

Section 218/219.405 Lithographic Printing: Applicability

The Illinois EPA proposes amending this Section to separate requirements that are applicable prior to the new compliance date from those applicable after the new compliance date. The Illinois EPA also proposes deleting requirements that were only applicable until March 15, 1996, and reformatting/renumbering the remaining subsections accordingly.

The Illinois EPA proposes adding a new subsection (c) to provide that, on and after May 1, 2010, the requirements in Sections 218/219.407(a)(1)(B) through (a)(1)(E) and 218/219.407(b) and all applicable provisions in Sections 218/219.408 through 218/219.411 of this Subpart shall apply to all owners or operators of heatset web offset lithographic printing line(s) if the combined emissions of VOM from all lithographic printing line(s) at the source (including solvents used for cleanup operations associated with the lithographic printing line(s)) ever exceed 45.5 kg/day (100 lbs/day), before the application of capture systems and control devices. On and after May 1, 2010, Sections 218/219.407(a)(1)(A), 218/219.407(a)(2) through (a)(5), and all applicable provisions in Sections 218/219.408 through 218/219.411, shall apply to all owners or operators of lithographic printing lines at sources where the combined emissions of VOM from all lithographic printing lines at the source (including solvents used for cleanup operations associated with the lithographic printing lines) ever total 6.8 kg/day (15 lbs/day) or more. Finally, subsection (c) provides that, at sources where the combined emissions of VOM

from all lithographic printing line(s) at the source equal or exceed 6.8 kg/day (15 lbs/day) but do not exceed 45.5 kg/day (100 lbs/day), before the application of capture systems and control devices, certain specified exclusions apply unless the owner or operator of the source certifies that the source will not make use of any such exclusions.

Section 218/219.406 Provisions Applying to Heatset Web Offset Lithographic Printing Prior to March 15, 1996

The Illinois EPA proposes repealing this Section, as it contains requirements that were applicable prior to March 15, 1996.

Section 218/219.407 Emission Limitations and Control Requirements for Lithographic Printing Lines On and After March 15, 1996

The Illinois EPA proposes amending this Section by deleting references to the previous compliance date of March 15, 1996, and separating requirements that are applicable prior to the new compliance date from those applicable after the new compliance date. The Illinois EPA also proposes changing the VOM content limitations for fountain solutions from “by volume” to “by weight,” as USEPA has informed the Illinois EPA that this is the appropriate way to measure the limit.

The Illinois EPA proposes amending subsections (a)(1)(C) and (b) to provide that, on and after May 1, 2010, owners or operators of subject heatset web offset lithographic printing lines shall install and operate an afterburner or other approved control device so that VOM emissions from the press dryer exhaust are reduced by 90-95 percent, by weight, depending on the date that the afterburner or other control device was first constructed at the subject source, or to a maximum afterburner exhaust outlet concentration of 20 ppmv (as carbon).

The Illinois EPA proposes amending subsection (a)(1)(D) to delete references to monitoring requirements already set forth in Section 218/219.410.

The Illinois EPA proposes amending subsection (a)(4) to provide that, on and after May 1, 2010, owners or operators of sources that meet the applicability criteria in Section 218/219.405(c)(3) and do not certify pursuant to Section 218/219.411(g)(1)(B) that the source will not make use of any of the exclusions in Section 218/219.405(c)(3) shall not cause or allow the use of a cleaning solution on any lithographic printing line unless the VOM content of the as-used cleaning solution is less than or equal to 70 percent, by weight, or shall satisfy the alternative VOM composite partial vapor pressure limitation.

The Illinois EPA proposes amending subsection (a)(5) to specify that the storage and disposal requirements for cleaning materials apply except when such materials are specifically in use.

Section 218/219.408 Compliance Schedule for Lithographic Printing On and After March 15, 1996

The Illinois EPA proposes repealing this Section, as the pertinent compliance dates are set forth in Section 218/219.405.

Section 218/219.409 Testing for Lithographic Printing On and After March 15, 1996

The Illinois EPA proposes deleting a reference to the previous compliance date of March 15, 1996, in the title to this Section.

Section 218/219.411 Recordkeeping and Reporting for Lithographic Printing

The Illinois EPA proposes amending this Section by deleting references to the previous compliance date of March 15, 1996, and clarifying the requirements that apply

to sources prior to the new compliance date and those that apply on and after the new compliance date. The Illinois EPA also proposes inserting into this Section the equation for calculating maximum theoretic emissions of VOM, which was previously contained in Section 218/219.406.

The Illinois EPA proposes adding a new subsection (b), which contains recordkeeping and reporting provisions for printing lines that are exempt on and after May 1, 2010, and relettering the remaining subsections accordingly. Subsection (b)(1) governs lithographic printing lines exempt pursuant to Section 218/219.405(c)(2). Along with standard recordkeeping and reporting requirements, the Illinois EPA proposes an emission adjustment factor to be used when determining VOM emissions from inks used on lithographic printing line(s) at the source, as well as an emission adjustment factor to be used when calculating emissions from used shop towels if the VOM composite vapor pressure of each associated cleaning solution is less than 10 mmHg measured at 20°C (68°F) and the shop towels are kept in closed containers.

The Illinois EPA proposes that, as an alternative to the VOM emission calculations set forth in subsection (b)(1)(B), a source may determine that it emits below 6.8 kg/day (15 lbs/day) of VOM if it complies with material use limitations during each calendar month. The Illinois EPA proposes that the material use alternative only be available to sources with only one type of lithographic printing operation (e.g., a source with only heatset web offset lithographic printing operations). If a source exceeds the material use limitation in any given month, the source shall complete emissions calculations pursuant to subsection (b)(1)(B) within 15 days of the end of that month. If

a source exceeds the material use limitations for six consecutive months, the source is no longer eligible for the material use alternative.

Subsection (b)(2) governs heatset web offset lithographic printing lines exempt pursuant to Section 218/219.405(c)(1) but not exempt pursuant to Section 218/219.405(c)(2). Along with standard recordkeeping and reporting requirements, the Illinois EPA proposes an emission adjustment factor to be used when determining VOM emissions from inks used on lithographic printing line(s) at the source, and an emission adjustment factor to be used when calculating emissions from used shop towels if the VOM composite vapor pressure of each associated cleaning solution is less than 10 mmHg measured at 20°C (68°F) and the shop towels are kept in closed containers.

The Illinois EPA proposes amending subsection (c) to provide that the recordkeeping requirements in subsections (c)(1) or (c)(2) do not apply to sources utilizing the material use limitation alternative. The Illinois EPA also proposes deleting subsection (c)(3).

The Illinois EPA proposes amending subsection (d) to provide that sources complying with the add-on control device requirement shall include in their initial certification to the Illinois EPA the date that the device was first constructed at the subject source. The Illinois EPA also proposes amending subsection (d) to change the frequency that owners or operators of heatset web offset lithographic printing lines complying with the add-on control device requirements are required to check the air flow direction or air pressure of the dryer and press room from once a day to once per calendar month.

The Illinois EPA proposes amending subsection (e)(1)(C) to provide that a source subject to fountain solution VOM content limitations shall include in its initial certification a statement that the fountain solution will comply with the VOM content limitations in Section 218/219.407(a)(1)(A), (a)(2), or (a)(3), as applicable. The Illinois EPA proposes amending subsection (e)(2)(C) to provide that the weight of each component used in a fountain solution batch shall be recorded by sources, if applicable. The Illinois EPA also proposes deleting subsection (e)(4).

The Illinois EPA proposes amending subsection (f)(1) to specify that lithographic printing line cleaning operations that are excluded pursuant to Section 218/219.405(c)(3)(C) are not required to submit a certification pursuant to subsection (f). The Illinois EPA also proposes deleting subsections (f)(1)(A), (f)(1)(C), and (f)(4), and amending the relettered subsection (f)(1)(A) to provide that a source subject to the cleaning requirements in Section 218/219.407 shall include in its initial certification a statement that the cleaning solution will comply with the limitations in Section 218/219.407(a)(4).

The Illinois EPA proposes adding subsection (g), which sets forth the recordkeeping and reporting requirements for owners or operators of lithographic printing line(s) subject to one or more of the exclusions set forth in Section 218/219.405(c)(3). Such owners or operators shall submit an initial certification to the Illinois EPA, collect and record specified information for each subject printing line, notify the Agency if the printing line ever becomes ineligible for the exclusions set forth in Section 218/219.405(c)(3), and, if changing between opting out of such exclusions and utilization

of the exclusions, submit an additional certification, informing the Illinois EPA of the change.

The Illinois EPA proposes adding subsection (i), which sets forth emission adjustment factors that may be used when calculating VOM emissions from heatset web offset lithographic printing operations for purposes other than the applicability thresholds in Section 218/219.405.

Section 218/219.412 Letterpress Printing Lines: Applicability

The Illinois EPA proposes adding this Section, which addresses the applicability of the proposed letterpress printing regulations. Subsection (a) of this Section provides that the limitations in Sections 218/219.413 through 218/219.416 apply to all owners or operators of heatset web letterpress printing lines if such lines (including solvents used for cleanup operations associated with such lines) at the source have a potential to emit 22.7 Mg (25 tons) or more of VOM per year. Subsection (a) also provides that Sections 218/219.413 through 218/219.416 apply to all owners or operators of letterpress printing lines at sources where the combined emissions of VOM from all letterpress printing lines at the source (including solvents used for cleanup operations associated with the letterpress printing lines) ever equal or exceed 6.8 kg/day (15 lbs/day), in the absence of air pollution control equipment.

Subsection (b) provides that the requirements of Section 218/219.413(a)(2) shall not apply to up to 416.3 liters (110 gallons) per year of cleaning materials used on letterpress printing lines at a subject source.

Subsection (c) provides that, on and after May 1, 2010, the recordkeeping and reporting requirements in Section 218/219.417 shall apply to all owners or operators of letterpress printing line(s).

Subsection (d) provides that, if a letterpress printing line at a source is or becomes subject to one or more of the limitations in Section 218/219.413, the letterpress printing lines at the source are always subject to the applicable provisions of Subpart H.

Section 218/219.413 Emission Limitations and Control Requirements for Letterpress Printing Lines

The Illinois EPA proposes adding this Section. Subsection (a) provides that heatset web letterpress printing lines that meet the applicability requirements of Section 218/219.412(a)(1) shall maintain the air pressure in the dryer lower than the air pressure of the press room and install and operate an afterburner that reduces VOM emissions by 90-95 percent, by weight, depending on the date that the afterburner was first constructed at the subject source, or to a maximum afterburner exhaust outlet concentration of 20 ppmv (as carbon). Such printing lines shall also equip the afterburner with applicable monitoring equipment and operate the afterburner at all times when the printing line is in operation, except as provided in Section 218/219.107.

Subsection (a) further provides that no owner or operator of subject letterpress printing lines shall use cleaning solutions on such lines unless the VOM content of the as-used cleaning solution is less than or equal to 70 percent, by weight, or the VOM composite partial vapor pressure of the as-used cleaning solution is less than 10 mmHg at 20 degrees Celsius. Cleaning materials must be kept, stored, and disposed of in closed containers, except when specifically in use.

Subsection (b) provides that heatset web letterpress printing lines may use a control device other than an afterburner if the control device meets the VOM emission reduction requirements in subsection (a) and is approved by the Illinois EPA and USEPA as federally enforceable permit conditions.

Section 218/219.415 Testing for Letterpress Printing Lines

The Illinois EPA proposes adding this Section, which sets forth the testing requirements that apply to owners or operators of letterpress printing lines subject to Section 218/219.413. Subsection (a) provides that testing to demonstrate compliance with 218/219.413 shall be conducted at the expense of the owner or operator within 90 days of a request by the Illinois EPA, and the owner or operator shall notify the Illinois EPA 30 days in advance of conducting such testing.

Subsection (b) describes the methods and procedures in Section 218/219.105(d) and (f) that shall be used for testing to demonstrate compliance with the add-on control device requirements of Section 218/219.413(a)(1)(B) and (b)(1).

Subsection (c) provides that testing to demonstrate compliance with the VOM content limitations in Section 218/219.413(a)(2)(A) and to determine the VOM content of cleaning solvents, cleaning solutions, and inks shall be conducted using the applicable test methods and procedures in Section 218/219.105(a). The manufacturer's specifications for VOM content for cleaning solvents and inks may be used if such specifications are based on results of tests conducted in accordance with Section 218/219.105(a).

Subsection (d) provides that testing to demonstrate compliance with Section 218/219.413(b) shall be conducted as set forth in the owner or operator's plan approved by the Illinois EPA and USEPA as federally enforceable permit conditions.

Subsection (e) provides that testing to determine the VOM composite partial vapor pressure of cleaning solvents, cleaning solvent concentrates, and as-used cleaning solutions shall be conducted in accordance with the applicable methods and procedures specified in Section 218/219.110.

Section 218/219.416 Monitoring Requirements for Letterpress Printing Lines

The Illinois EPA proposes adding this Section. Subsection (a) provides that, if an afterburner is used to demonstrate compliance, the owner or operator of a heatset web letterpress printing line shall install, calibrate, maintain, and operate temperature monitoring devices with an accuracy of 3° C or 5° F on the afterburner in accordance with Section 218/219.105(d)(2) and in accordance with the manufacturer's specifications. Monitoring shall be performed at all times when the afterburner is operating. Such owners or operators shall also install, calibrate, operate, and maintain in accordance with manufacturer's specifications a continuous recorder on the temperature monitoring devices with at least the same accuracy as the temperature monitor.

Subsection (b) provides that if a control device other than an afterburner is used to demonstrate compliance, the owner or operator of a heatset web letterpress printing line shall install, maintain, calibrate, and operate such monitoring equipment as set forth in the owner or operator's plan approved by the Illinois EPA and USEPA pursuant to Section 218/219.413(b).

Subsection (c) sets forth the monitoring requirements for owners or operators of letterpress printing lines relying on the VOM content of the cleaning solution to comply with Section 218/219.413(a)(2)(A), or relying on the vapor pressure of the cleaning solution to comply with Section 218/219.413(a)(2)(B).

Section 218/219.417 Recordkeeping and Reporting for Letterpress Printing Lines

The Illinois EPA proposes adding this Section. Subsection (a) provides that the owner or operator of a heatset web letterpress printing line exempt from any of the limitations of Section 218/219.413 because of the criteria in Section 218/219.412(a)(1) shall submit a certification to the Illinois EPA that includes a declaration that the source is exempt and calculations that demonstrate that the source's total potential to emit VOM does not equal or exceed 25 tons per year.

Subsection (b) provides that the owner or operator of a letterpress printing line exempt from any of the limitations of Section 218/219.413 because of the criteria in Section 218/219.412(a)(2) shall submit a certification to the Illinois EPA that includes a declaration that the source is exempt, calculations that demonstrate that combined emissions of VOM from all letterpress printing lines at the source never equal or exceed 6.8 kg/day (15 lbs/day), and a description and the results of all tests used to determine the VOM content of inks and cleaning solvents. Such sources shall also notify the Agency if the combined emissions of VOM from all letterpress printing lines at the source ever equal or exceed 6.8 kg/day (15 lbs/day).

Subsection (b) further provides that, as an alternative to the VOM emission calculations set forth in subsection (b)(1)(B), a source may determine that it emits below 6.8 kg/day (15 lbs/day) of VOM if it complies with material use limitations during each

calendar month. The material use alternative shall only be available to sources with only one type of letterpress printing operation (e.g., a source with only heatset web letterpress printing operations). If a source exceeds the material use limitation in any given month, the source shall complete emissions calculations pursuant to subsection (b)(1)(B) within 15 days of the end of that month. If a source exceeds the material use limitations for six consecutive months, the source is no longer eligible for the material use alternative.

Subsection (c) provides that, unless utilizing the material use alternative, the owner or operator of a letterpress printing line subject to the requirements in subsection (a) or (b) of this Section shall collect and record either the specified standard recordkeeping information or the specified purchase and inventory recordkeeping information.

Subsection (d) provides that the owner or operator of a heatset web letterpress printing line subject to Section 218/219.413(a)(1)(B) or (b)(1) of this Subpart shall submit a certification to the Illinois EPA that includes identification of each heatset web letterpress printing line at the source, a declaration that each such line is in compliance with Section 218/219.413(a)(1) or (b), the type of afterburner or other approved control device being used and the date that such device was first constructed at the subject source, the control requirements with which the printing line is complying, the results of all tests and calculations necessary to demonstrate compliance, and a declaration that the required monitoring equipment has been properly installed and calibrated. The owner or operator shall also collect and record specified information for each heatset web letterpress printing line and notify the Illinois EPA of any violation of Section 218/219.413(a)(1)(B) or (b)(1).

operator shall also collect and record specified information for each heatset web letterpress printing line and notify the Illinois EPA of any violation of Section 218/219.413(a)(1)(B) or (b)(1).

Subsection (d) further provides that if testing of an afterburner or other approved control device is conducted pursuant to Section 218/219.415(b), the owner or operator shall submit a copy of all test results to the Illinois EPA, as well as a certification that includes a declaration that all necessary tests and calculations have been performed, a statement whether the printing line is in compliance with Section 218/219.413(a)(1)(B) or (b)(1), and the operating parameters of the afterburner or other approved control device during testing. If changing its method of compliance between subsections (a)(1)(B) and (b) of Section 218/219.413, the owner or operator must certify compliance for the new method of compliance and perform all tests and calculations necessary to demonstrate compliance with such method.

Subsection (e) establishes recordkeeping and reporting requirements for letterpress printing line cleaning operations. Subsection (e) provides that the owner or operator of a letterpress printing line shall certify to the Illinois EPA that all cleaning solutions, other than those excluded pursuant to Section 218.412(b), and the handling of all cleaning materials will be in compliance with Section 218/219.413(a)(2)(A) or (a)(2)(B) and (a)(3). The certification shall also include specified information regarding the cleaning operations of the subject printing line. The owner or operator shall collect and record specified information for each solution used on each letterpress printing line and notify the Illinois EPA of any violation of Section 218/219.413.

Subsection (f) provides that the owner or operator of a printing line shall maintain all records required by this Section at the source for a minimum period of three years and shall make all records available to the Agency upon request.

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

By: 
Dana Vetterhoffer
Assistant Counsel
Division of Legal Counsel

DATED: July 8, 2009

1021 N. Grand Ave. East
P.O. Box 19276
Springfield, IL 62794-9276
(217) 782-5544

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)
)
AMENDMENTS TO 35 ILL. ADM. CODE 218,)
ORGANIC MATERIAL EMISSION)
STANDARDS FOR THE CHICAGO AREA,)
35 ILL. ADM. CODE 219, ORGANIC)
MATERIAL EMISSION STANDARDS FOR)
THE METRO EAST AREA, AND)
35 ILL. ADM. CODE 211)

10-8
R09-
(Rulemaking-Air)

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CLERK'S OFFICE

JUL 09 2009

STATE OF ILLINOIS
Pollution Control Board

MOTION FOR EXPEDITED REVIEW

The Proponent, the Illinois Environmental Protection Agency ("Illinois EPA"), by its attorney, and pursuant to 35 Ill. Adm. Code 101.512, respectfully submits this Motion for Expedited Review ("Motion"). In support of its Motion, the Illinois EPA states as follows:

1. Expedited review of this proposal is necessary because the Chicago and Metro East nonattainment areas ("NAA") cannot be redesignated to attainment of the 1997 8-hour ozone National Ambient Air Quality Standard ("NAAQS") until these proposed amendments are submitted to and approved by the United States Environmental Protection Agency ("USEPA") as State Implementation Plan ("SIP") revisions.

2. Redesignation is necessary to (a) ensure that any potential future violations of the 1997 ozone standard do not result in a reclassification of the ozone NAAs; (b) mitigate the requirements that Illinois will be obligated to meet under USEPA's future transition policy from the 1997 ozone standard to the strengthened 2008 standard; and (c) avoid any complications that may arise from such transition policy.

Proposed Rulemaking

3. The Illinois EPA's rulemaking proposal is intended to satisfy Illinois' obligation to submit a SIP to address requirements under Sections 172 and 182 of the Clean Air Act ("CAA")

for sources of volatile organic material (“VOM”) emissions in areas designated as nonattainment with respect to the ozone NAAQS.

4. Section 182(b)(2) of the CAA provides that, for ozone NAAs, the State must revise its SIP to include reasonably available control technology (“RACT”) for sources of VOM emissions covered by a control techniques guideline (“CTG”) issued between November 15, 1990, and the date of attainment. 42 U.S.C. § 7511a(b)(2).

5. On October 5, 2006, the USEPA issued final CTGs for Group II Consumer and Commercial Product Categories. This rulemaking is intended to implement the RACT recommendations contained in the CTGs.

Attainment of the 1997 8-hour Ozone NAAQS

6. The Chicago NAA is currently attaining the 1997 ozone NAAQS (“1997 standard”), and the Metro-East NAA is on track to attaining the standard in 2009, as required. In July 2007 and March 2009, the Illinois EPA submitted to the USEPA attainment demonstrations for the 1997 standard for the Metro East and Chicago NAAs, respectively.

7. Section 107(d)(3)(E) of the CAA, however, provides that the USEPA may not redesignate a NAA unless the State has a fully-approved SIP for the area seeking redesignation and the State has met all applicable requirements of Section 110 and Part D (which includes the requirement that states adopt VOC RACT rules for categories covered by a CTG). 42 U.S.C. § 7407(d)(3)(E).

8. The Chicago and Metro East NAAs therefore cannot be redesignated to attainment of the 1997 standard unless and until the Illinois EPA submits SIP revisions in response to Group II CTGs and the USEPA approves such revisions.

Strengthened Ozone NAAQS

9. On March 27, 2008, the USEPA finalized a strengthened 8-hour ozone NAAQS (“revised standard”). *73 Fed. Reg.* 16436 (March 27, 2008).

10. In March of 2009, the Illinois EPA recommended to the USEPA that the same areas in Illinois that are currently designated as nonattainment for the 1997 standard be designated as nonattainment for the revised standard as well, with the exception of Jersey County.

11. The USEPA is expected to finalize nonattainment designations by March 2010. In conjunction with final designations, the USEPA will issue guidance for states transitioning from the 1997 standard to the revised standard.

Necessity of Expedited Review

12. As stated above, the Chicago NAA currently qualifies for redesignation to attainment of the 1997 standard based upon 2008 data, and the Metro-East NAA is expected to qualify for redesignation shortly.

13. If either NAA violates the 1997 standard prior to formal redesignation, however, it is possible that such area would be “bumped up” from its current “moderate” nonattainment classification to a “serious” or higher classification. 42 U.S.C. § 7511a(b)(2).

14. Areas designated as “serious” are subject to more stringent requirements, including a lower major source threshold, enhanced monitoring requirements, and a stricter emission offset ratio. *See* 42 U.S.C. § 7511a(c).

15. Violations of the 1997 standard that occur subsequent to redesignation, on the other hand, do not trigger reclassification. The area in which the violation occurred would merely be required to implement targeted control measures pursuant to contingency provisions contained in the area’s maintenance plan. *See* 42 U.S.C. § 7505a.

16. Redesignation is therefore necessary to foreclose the risk that a future violation of the 1997 standard will implicate reclassification and, in turn, heightened control measures.

17. Further, the USEPA's future transition policy between the 1997 standard and the revised standard will most likely impose additional obligations upon areas that are still designated as nonattainment for the 1997 standard at the time final designations for the revised standard are made. (*See, e.g.*, 40 C.F.R. § 51.905(a)(1), which sets forth added requirements for areas that were nonattainment for the 1-hour ozone NAAQS at the time nonattainment designations for the 1997 standard were finalized).

18. Any complications that arise in connection with the future transition policy, such as legal challenges, could potentially affect such NAAs as well. Illinois, for example, was attaining the 1-hour ozone standard but had not yet been formally redesignated at the time the USEPA finalized nonattainment designations for the 1997 standard. Consequently, Illinois was subject to the USEPA's 1-hour/8-hour transition policies, and is still dealing with the ramifications of several lawsuits that arose challenging, among other things, the transition portions of USEPA's 8-hour implementation rules. (*See, e.g., South Coast Air Quality Mgt. Dist. v. Environmental Protection Agency*, 472 F.3d 882 (D.C. Cir. 2006)). (One such ramification, for instance, is the continued possibility that the major source threshold for the Chicago NAA will be lowered from 100 tons per year (the threshold for moderate areas under the 8-hour standard) to 25 tons per year (the threshold for severe areas under the 1-hour standard)).

19. While the details of USEPA's transition policy, and whether such policy will likely result in litigation, is uncertain, a timely redesignation to attainment (i.e., redesignation prior to the date the USEPA finalizes nonattainment designations for the revised standard) would render the above contingencies moot.

20. Redesignation is needed to ensure that Illinois avoids needless additional hurdles and reaps the benefits of the air quality planning efforts that led to attainment of the 1997 standard.

21. In light of the foregoing, it is necessary to expedite review in this matter.

22. As required by 35 Ill. Adm. Code Section 101.512, this Motion is accompanied by an Affirmation attesting that the facts cited herein are true.

WHEREFORE, for the reasons set forth above, the Illinois EPA respectfully requests that the Board grant this Motion and expedite review in this matter.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

By: 
Dana Vetterhoffer
Assistant Counsel
Division of Legal Counsel

DATED: July 8, 2009

1021 N. Grand Ave. East
P.O. Box 19276
Springfield, IL 62794-9276
(217) 782-5544

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)
)
AMENDMENTS TO 35 ILL. ADM. CODE 218,) R09-
ORGANIC MATERIAL EMISSION) (Rulemaking-Air)
STANDARDS FOR THE CHICAGO AREA,)
35 ILL. ADM. CODE 219, ORGANIC)
MATERIAL EMISSION STANDARDS FOR)
THE METRO EAST AREA, AND)
35 ILL. ADM. CODE 211)

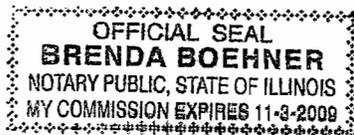
AFFIRMATION

I, Dana Vetterhoffer, under oath, hereby state and affirm that I am an Assistant Counsel for the Illinois EPA and that the facts cited in the foregoing Motion for Expedited Review are true and correct to the best of my information and belief.


Dana Vetterhoffer
Assistant Counsel
Division of Legal Counsel

SUBSCRIBED AND SWORN TO BEFORE ME
this 8th day of July, 2009


Notary Public



BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)
)
AMENDMENTS TO 35 ILL. ADM. CODE 218,)
ORGANIC MATERIAL EMISSION)
STANDARDS FOR THE CHICAGO AREA,)
35 ILL. ADM. CODE 219, ORGANIC)
MATERIAL EMISSION STANDARDS FOR)
THE METRO EAST AREA, AND)
35 ILL. ADM. CODE 211)

108
R09-
(Rulemaking-Air)

RECEIVED
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JUL 09 2009
STATE OF ILLINOIS
Pollution Control Board

CERTIFICATE OF SERVICE

I, the undersigned, an attorney, state that I have served the attached REGULATORY PROPOSAL entitled "AMENDMENTS TO 35 ILL. ADM. CODE 218, ORGANIC MATERIAL EMISSION STANDARDS FOR THE CHICAGO AREA, 35 ILL. ADM. CODE 219, ORGANIC MATERIAL EMISSION STANDARDS FOR THE METRO EAST AREA, AND 35 ILL. ADM. CODE 211," MOTION FOR WAIVER, MOTION FOR EXPEDITED REVIEW, and APPEARANCES of the Illinois Environmental Protection Agency upon the person to whom it is directed, by mailing it by first-class mail from Springfield, Illinois, with sufficient postage affixed, to the following persons:

John Therriault, Assistant Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph, Suite 11-500
Chicago, Illinois 60601-3218

Matthew Dunn, Chief
Division of Environmental Enforcement
Office of the Attorney General
188 West Randolph, 20th Floor
Chicago, IL 60601

Virginia Yang
Deputy Legal Counsel
Illinois Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

By: *Dana Vetterhoffer*
Dana Vetterhoffer
Assistant Counsel
Division of Legal Counsel