

ORIGINAL

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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STATE OF ILLINOIS
POLLUTION CONTROL BOARD

IN THE MATTER OF:)
)
EXEMPTIONS FROM STATE)
PERMIT REQUIREMENTS,) R96-17
AMENDMENTS TO 35 ILL. ADM.) (Rulemaking)
CODE 201 AND 211.)
)

NOTICE

TO: Dorothy Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center
100 W. Randolph, Suite 11-500
Chicago, Illinois 60601

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Illinois Pollution Control Board
110 South State
Jerseyville, Illinois 62052

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Robert Lieberman
Department Of Natural Resources
Division of Energy and
Environmental Assessment
524 S. Second Street
Springfield, IL 62701-1787

SEE ATTACHED SERVICE LIST

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Pollution Control Board the AGENCY COMMENTS AND TESTIMONY OF CHRIS P. ROMAINE of the Illinois Environmental Protection Agency, a copy of which is herewith served upon you.

ENVIRONMENTAL PROTECTION AGENCY
OF THE STATE OF ILLINOIS

By: Sheila G. Kolbe
Sheila G. Kolbe
Assistant Counsel
Division of Legal Counsel

DATED: August 7, 1996

P.O. Box 19276
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**THIS FILING IS SUBMITTED
ON RECYCLED PAPER**

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TESTIMONY OF CHRIS P. ROMAINE

SECOND HEARING:
AUGUST 16, 1996
Chicago, Illinois

Good morning, My name is Chris Romaine. I am employed by the Illinois Environmental Protection Agency ("Agency") as Manager of the New Source Review Unit in the Permit Section of the Division of Air Pollution Control. I have been employed by the Agency since 1976. My educational background includes a Bachelor of Science Degree from Brown University. I am a licensed professional engineer.

I have assisted in the development of the Agency's proposal in this rulemaking concerning 35 Ill. Adm. Code 201.146, the exemptions from the State's construction and operating permit program for stationary sources of emissions.

At the last hearing, the Board asked the Agency to consider various changes to the proposal. The Agency has considered these changes and has prepared revisions to the proposal, which I explain in this testimony.

EXPLANATION OF REVISIONS

SECTION 201.146

The preamble or introductory paragraph for Section 201.146 was restructured in order to have the exemption itself stated before the explanatory language warning that air sources may still be subject to other requirements for air pollution control permits. That is, Section 201.146 provides the exemptions for the "State" air permits required by Sections 201.142, 201.143, and 201.144. This is the exemption. However, there are other independent requirements for air permits, as found in the Environmental Protection Act and Clean Air Act that are not subject to the exemptions in Section 201.146, but have their own applicability provisions. Thus air equipment and sources exempted by Section 201.146 may still require a permit due to these other permit requirements. There are also certain activities that are subject to specific registration requirements, such as motor vehicle refinishing and gasoline dispensing operations in the Chicago and Metro-East ozone nonattainment areas, that are independent of the permit exemptions in Section 201.146. The warning language addressing these other requirements now follows the exemption language. The warning language has also been expanded to mention the existence of independent registration requirements.

SECTION 201.146(n)

In subsection (n), the connecting "and" between subsection 201.146(n)(2) and (3) was replaced with an "or". This change was made because, as the Board correctly observed, subsections 201.146(n)(1), (2), and (3) identify three separate classes of storage tanks that are eligible for the exemption in Section 201.146(n).

SECTION 201.146(t)

Subsection (t) was revised to better reflect the applicability provisions of the USEPA's New Source Performance Standards (NSPS) for grain elevators, 40 CFR 60 Subpart DD. In particular, the terms "grain terminal elevator" and "grain storage elevator" were substituted for "source", along with the respective storage capacities (88,100 m³ or ca. 2.5 million bushels and 35,200 m³ or ca. 1.0 million bushels) at which applicability of this standard is triggered.

SECTION 201.146(z)

Subsection (z) was amended to substitute the term "facilities" for "equipment", as this exemption broadly applies to certain establishments and areas involved in food preparation rather than to individual equipment. This subsection has also been revised to make clear that this exemption also applies to food preparation operations associated with off-site catering or direct retail sales as well as to restaurants and institutional kitchens. The purpose of this exemption is to broadly exclude from permitting most activities involved with preparation of food except manufacturing activities at plants engaged in production of food or beverages or food or beverage products. To accomplish this goal in the simplest way, the exemption was reworked to specify activities that may be subject to permitting, rather than identify the types of operations that are intended to be exempt from permitting. Examples of the types of food manufacturing operations where emission units should continue to be subject to permitting include meat packing plants, commercial dairies, canneries, grain processing plants, cereal mills, commercial bakeries, coffee roasting plants, confectionery plants, maltings and distilleries.

SECTION 201.146(bb)

Subsection (bb) was amended to clarify that a permit is only needed for a feed mill that is otherwise entitled to this exemption if the feed mill for other reasons is required to have state air permits (as distinguished from state "land" and "water" permits).

SECTION 201.146(cc)

Subsection (cc), which deals with extruders, was restructured to separately identify in subsections (1), (2), and (3), the three classes of extruders that are not eligible for the exemption generally established for extruders by this provision.

SECTION 201.146(nn)

Subsection (nn), which deals with motor vehicle maintenance and repair, was revised to expand the description of exempt vehicle maintenance and service activities to include vehicle repair and body shops. The purpose of this exemption is to exclude motor vehicle service facilities from permitting but not facilities engaged in manufacturing or remanufacturing automobile parts or engines. This exemption does not extend to gasoline fuel handling or motor vehicle refinishing, i.e., coating, which are both addressed by separate exemptions in subsections (g), (n) and (kk).

SECTION 201.146(qq)

Subsection (qq) was revised to expand the description of exempt laundry equipment to include coin operated and commercial laundry drying equipment. The purpose of this exemption is to exclude laundry equipment from permitting unless solvent-based cleaning is performed or industrial items containing solvent are being laundered on-site.

SECTION 201.146(rr)

Subsection (rr), which deals with housekeeping activities, was amended to remove the

phrase "at the source ". Although this phrase is present in the parallel provision for insignificant activities, it is not needed for purposes of Section 201.146.

SECTION 201.146(fff)

Subsection (fff), which deals with certain direct fired process dryers, was amended to remove the phrase "at the source", as it is unnecessary. It was also restructured to separately identify the two classes of dryers that are not eligible for the exemption as subsections (1) and (2).

EXPLANATION FOR PROVISIONS THAT ARE NOT REVISED

SECTION 201.146(yy)

Subsection (yy), which deals with use of consumer products, was not amended to remove the phrase "at a source ". This phrase is present in the parallel provision for insignificant activities. It is needed for purposes of Section 201.146 to make clear that this exemption applies narrowly to the use of materials on a source-by-source basis. Thus, the use of a "household" furniture polish could be exempt at one source where it is used as part of the care of office furniture but be subject to permitting at a source where the same polish is used in the manufacture of furniture. Household furniture polish would not be exempted from permitting independent of where and how it was used.

SECTION 201.146(ccc)

Subsection (ccc), dealing with maintenance, repair or dismantlement of emission units, was not amended to remove the phrase "at the source ". This phrase is present in the parallel provision for insignificant activities. It is needed in Section 201.146 as well to make clear that these activities are only exempt when they occur at the site where an emission unit is located. Emission units located at a source whose business is dismantlement or disassembly, maintenance and repair of equipment brought to the business would not be covered by this exemption.

CONCLUSION

In conclusion, the Agency appreciates the comments made by the Board. They have lead the Agency to clarify the organization and language of the proposal to better carry out the intended broadening of the permit exemptions in Section 201.146.

CR:testimon:jar

CERTIFICATE OF SERVICE

I, the undersigned, an attorney, certify that I have served the attached AGENCY

COMMENTS AND TESTIMONY OF CHRIS P. ROMAINE , by FIRST CLASS MAIL on August

7, 1996, upon the following persons:

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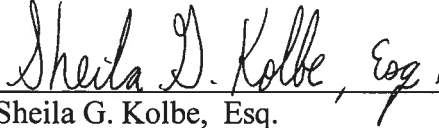
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